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RECOMMENDATIONS OF THE COMMISSION ON WARTIME INTERNMENT AND RELOCATION OF CITIZENS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON CIVIL SERVICE,
POST OFFICE, AND GENERAL SERVICES

OF THE

COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 2116

TO ACCEPT THE FINDINGS AND TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

AUGUST 16, 1984—LOS ANGELES, CA
AUGUST 29, 1984—ANCHORAGE, AK

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RECOMMENDATIONS OF THE COMMISSION ON WARTIME INTERNMENT AND RELOCATION OF CITIZENS

THURSDAY, AUGUST 16, 1984

U.S. SENATE,
SUBCOMMITTEE ON CIVIL SERVICE,
POST OFFICE, AND GENERAL SERVICES,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Los Angeles, CA.

The subcommittee met, at 8:41 a.m., in the Brentwood Theater, VA Medical Center, Wilshire and Sawtelle, Hon. Ted Stevens (chairman) presiding.

Present: Senator Stevens.

Staff present: Pat Phillips, chief clerk; Mark Barnes, chief counsel to Senator Stevens.

OPENING STATEMENT OF SENATOR STEVENS

Senator STEVENS. Good morning, ladies and gentlemen. This hearing today will address a very difficult and controversial aspect of our American history: the internment and relocation of the Japanese-American people during World War II.

Our Senate subcommittee is presently reviewing proposed Senate bill S. 2116. That bill would accept the findings and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The purpose of this hearing is to briefly set out the actual circumstances that surround the executive decision to intern the Japanese-American people, and then to examine whether or not S. 2116 is an appropriate response.

Testimony presented today will undoubtedly bring back unhappy memories for parties on both sides of this issue. As this hearing proceeds, we want to look at the testimony with open minds so that all views presented here may be considered in a rational, and not in an invective or emotional light.

It is hard for many individuals to remove themselves from this issue emotionally, and perhaps our emotions do play a limited role in our consideration of the matter, but there are many interests that may be considered here which cannot be evaluated on an emotional basis.

I am personally aware of the human tragedy that was inflicted as a result of the internment program. While attending high school here in California, I watched as several of my friends were interned under this program.

In addition, approximately 850 Aleutian people from my home State of Alaska were removed from their homes, not for national security reasons, but nevertheless removed, and placed in decrepit living facilities during their relocation from the Aleutian Islands.

I have supported this bill. There is opposition, however, to this bill. It is important to note that our subcommittee has not reached a conclusion as to whether the reparation recommendation is appropriate or whether the recommendations of the Commission on Wartime Relocation and Internment are appropriate. Testimony heard today will aid our subcommittee in finding an answer to these and other questions we face in evaluating this legislation.

I want to remind the witnesses who are scheduled to testify, and the spectators here in the audience, that this is a Senate hearing. Because of this, the Senate rules must be followed.

We would ask that as you come to the witness stand, to please state your name for the record and spell it for the reporter.

Since there is a time constraint on witnesses, please limit your oral testimony to a short summary. We have your full statement, it will be printed in the record, and we ask that no witness take more than 10 minutes. There will be panels that we will allow 20 minutes to.

Finally, I would like to remind the spectators that under the Senate rules, demonstrations of personal approval or disapproval, are not allowed. Any individual who does not conduct himself or herself under these rules in an appropriate manner, will not be allowed to remain in this room. Under the Senate rules, no applause, no booing, no comments at all, are allowed from the audience. You are here to listen as I am, and we ask that you follow the Senate rules today.

Now, with this in mind, I want to welcome our first witness, the Honorable Mervyn Dymally of California, a Member of the House, who will start off our witness list this morning.

Good morning, Congressman.

[Senator Stevens' prepared statement follows:]

PREPARED STATEMENT OF SENATOR STEVENS

Good morning ladies and gentleman. This hearing today will be addressing a very difficult and controversial aspect of our American history: the internment and relocation of Japanese-American people during World War II.

This Senate Subcommittee is presently reviewing proposed Senate Bill S. 2116. This bill would accept the findings and implement the recommendations of the Commission on Wartime Internment and Relocation of Citizens. The purpose of this hearing is to briefly set out the actual circumstances that surrounded the executive decision to intern the Japanese-American people and then to examine whether or not S. 2116 is an appropriate response for the damages suffered by those who were relocated. The testimony presented today will undoubtedly bring back unhappy memories for parties on both sides of this issue. As it proceeds, let us look at the testimony with open minds so that all the views presented here may be considered in a rational, and not an invective or emotional light. I realize it is hard for many to remove themselves from this issue emotionally, and perhaps it is proper for our emotions to play a limited role in our consideration of the matter, but there are many interests that must be considered here which cannot be easily evaluated on a purely emotional basis.

I am personally aware of the human tragedy that was inflicted as a result of the internment program. While attending high school in California during World War II, I watched as several of my friends were interned under this program. In addition, approximately 850 Aleutian people from my home state of Alaska were removed from their homes, not for national security reasons, but nevertheless removed, and placed in decrepit living facilities during their relocation from the Aleutian Islands.

I support S. 2116, but I am aware that there is opposition to this bill. I feel that it is important to note that I have not reached a conclusion as to whether every reparation recommendation is appropriate or whether every recommendation of the Commission on Wartime Relocation and Internship is appropriate. I hope that the testimony heard today will aid in eliciting an answer to these and other questions we face in evaluating this legislation.

I would like to remind the witnesses who are scheduled to testify and the spectators in the audience that this is a Senate hearing. Because of this, a few rules must be followed. As you approach the witness stand, please state your name for the record and spell it for the reporter. Since there is a time constraint on witness time, please limit your oral testimony to a short summary of your written statement. This assures that more time can be devoted to a substantive discussion of your comments. Finally, I would like to remind the spectators that loud demonstrations of personal approval or disapproval are not allowed. Any individuals who can not conduct themselves in an appropriate manner will not be allowed to remain in the hearing room.

With this in mind, let us proceed with our first witness.

TESTIMONY OF HON. MERVYN M. DYMALLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Representative **Dymally**. Thank you very much, Mr. Chairman.

Good morning, Mr. Chairman, my name is Mervyn Dymally, Member of the U.S. Congress from the 31st Congressional District, in South Los Angeles County, CA.

I represent the largest single community of Nikkei citizens in the continental United States. This morning I wish to speak frankly in support of bill S. 2116, which will bring about the delayed justice to the Americans of Japanese and Aleut ancestry who were uprooted and interned during World War II under Executive Order No. 9066.

As you well know, Mr. Chairman, we in the House have just concluded 3 days of exhaustive hearings through our Judiciary Committee, at which I supported our companion bill—H.R. 4110.

The overwhelming reality emanating from these hearings as well as through the voluminous report of the Commission on Wartime Relocation and Internment of Civilians is that over 120,000 men, women and children of Japanese ancestry were evacuated and incarcerated by being placed in internment camps in the interior of the United States for the duration of the war.

Similarly, Aleuts of Alaska were evacuated and interned in deplorably unsanitary fish canneries and other facilities resulting in the highest mortality rate suffered by any group of evacuees anywhere on the west coast.

With your permission, Mr. Chairman, let me make some observations about the progress we have made in our joint endeavor to bring about approval of this legislation through Congress.

From initial congressional hearings, I do not believe there exists substantive controversy nor disagreement over the major recommendations of the Commission in these areas. The Commission recommends that simple justice can be realized through:

First, a congressional apology to the Japanese-American people for their incarceration and loss of civil liberties;

Second, a Presidential pardon for those convicted of violating Executive Order 9066, where the offenses were based on a refusal to accept governmental treatment based on race or ethnicity;

Third, establishment of funds for educational purposes for the Japanese-American community; and, similarly, a restitution fund for the Aleut community.

In my judgment these recommendations are wholly appropriate and acceptable to most reasonable people. However, to those who may not believe in this redress legislation, we hear a barrage of arguments and doubts expressed about the Commission's recommendation regarding individual reparations, to both the Japanese-American and Aleut evacuees.

Looking at these arguments bluntly, which are issued by fiscal conservatives in Congress who say that this bill will cost too much, Mr. Chairman, I must say to you that I have great difficulty, as do the people of the 31st Congressional District and especially the Japanese-American community, to put a limited price tag on a congressional apology on one hand, and then to vote millions of dollars to foreign governments waging campaigns in the name of saving democracy abroad. We must simply say that justice must occur in the United States, and that we in America have the will and the capacity to pay the price. Nothing less than providing simple justice will suffice, and we must pay this price.

Therefore, Mr. Chairman, I emphatically support the language of S. 2116 regarding individual monetary compensation to Japanese-American and Aleut survivors who suffered and survived during this period in recent American history.

Regarding the monetary payments themselves, I am puzzled by the Commission's recommendation of $20,000 per individual for Japanese-Americans, and only $5,000 for the individual Aleut. Rather, I believe the recommendation of $12,000 as contained in the Senate bill language is more appropriate to the personal suffering and devastation visited upon the Aleuts during their period of internment, particularly at the hands of Federal authorities.

The notion of monetary compensation for personal damage and injury is clearly sustained in American law and practice. Because it was indeed an official governmental policy which authorized incarceration of innocent Japanese-Americans, legal aliens, and Aleut islanders which directly resulted in their loss of property, loss of the means of livelihood; loss of educational opportunities, and inflicted grave psychological and personal damage. I think that it is appropriate as I said before, for this compensation. Most of all, the gravest loss was to their freedom and civil liberties which other Americans enjoyed even during this wartime period.

All these people should have enjoyed the protection of the Constitution and the requirement of due process. Their rights were suspended under the authority Congress provides for use during emergencies or war. However, as the Commission testimony demonstrates, the very reasons used to justify this extraordinary use of the war powers have not been substantiated, and indeed, they were believed to be insubstantial at the time they were given and explained later to the courts. There thus exists a preponderance of evidence that the Federal Government acted improperly against these evacuees, and should therefore offer compensation to these affected individuals to partially offset their losses Mr. Chairman, this is the meaning of providing simple justice.

As a practicing legislator who introduced the first national redress bill in the House upon my election to Congress, I must pose the question of our progress in our total efforts made to date: If after undertaking a major Commission study with its extensive set of hearings documenting this whole sad episode of injustice, and if after the current congressional hearings are completed, what will result from all these efforts?

In my judgment, the answer clearly lies in the moral and political courage which we in Congress can bring to bear in passing the most crucial civil rights legislation since the passage of the momentous Civil Rights Act of 1964.

In the Congress, it will require the overriding moral arguments in the rightness, in the justness and in the merits of passing both S. 2116 and H.R. 4110. Likewise, it will take political courage and persuasion to bring these bills out of committee and onto the floor for debate and passage, and for this to happen, we will need your exemplary leadership, Mr. Chairman, along with the support of your colleagues, while we in the House summon our courage and support. It will require critical public education about the profound travesties committed and the redress that Congress can at long last provide as a remedy. And it will require our commitment to work out the most acceptable language in the legislation which will provide fairness and equity to all those concerned.

Let us remind ourselves that nothing can be achieved here without a great deal of hard labor, and without some tears and without some patience. I can recall the need for patience, which was required to pass other difficult legislation as the bill before us:

The watershed Civil Rights Act of 1964 was over 100 years in the making before providing desegregated public facilities for all Americans. And its reauthorization 20 years later in 1984 again took a united and determined Congress to renew governmental protection and extension of equality.

The Martin Luther King holiday bill took 16 long years in winding its way through Congress, finally becoming a reality only in late 1983.

Now, Mr. Chairman, we must do the same for S. 2116 and H.R. 4110. In addition to the current 104 cosponsors to the House bill, I am determined to work tirelessly for signatures of support from Members of the other side of the aisle, specifically to my Republican colleagues, who have not taken a position on this important piece of legislation yet.

I shall be happy to work with you in developing the necessary bipartisan approach and the necessary momentum to present America with a great and deserving gift of historic reconciliation—when we add the Civil Liberties Act of 1984 to the list of great American achievements.

Mr. Chairman, may I take this opportunity to thank you personally for this kind invitation to address the subcommittee, and for your leadership on this very important matter. I can assure you the Japanese-American community in my district, and I am certain the Aleuts in your district, are most grateful to you for coming here today and giving us an opportunity to address this very important subject.

Again, Mr. Chairman, thank you very much.

Senator **Stevens**. Thank you very much, Congressman. We know that you held hearings on the House side in Washington on these bills, and that is the reason the Senate committee decided to hold the hearings in the field, both here and in Alaska, since the people who could not get to Washington could testify on the bill.

We appreciate your leadership in the matter and I look forward to working with you on it.

Representative **Dymally**. Thank you, Mr. Chairman. For that I want to commend you and I would like to excuse myself. Congress is holding hearings on the Century Freeway in my district which occupies about 99 percent of my district, so I must leave.

Senator **Stevens**. There are a series of hearings out here as I understand.

Representative **Dymally**. Indeed.

Senator **Stevens**. Thank you very much. Nice to be with you.

Now, is there any other Member of Congress that is here who wishes to testify at this time?

[No response.]

Senator **Stevens**. If not, we will go to the first panel which is the Japanese American Citizens League.

Has Dr. Flemming arrived yet?

[No response.]

Senator **Stevens**. We were told he was to be delayed, so we would like to go to the first panel if we might.

Are the members of your panel here?

Mr. **Tateishi**. I am the only one.

Senator **Stevens**. We will be happy to have you start. There seems to be some traffic problems out here this morning.

TESTIMONY OF JOHN TATEISHI, JAPANESE AMERICAN CITIZENS LEAGUE [JACL]

Mr. **Tateishi**. My name is John Tateishi. I am the national redress director for the Japanese American Citizens League.

Mr. Chairman, on behalf of the Japanese American Citizens League, I would like to thank you for providing the JACL with an opportunity to testify today at these hearings, to consider S. 2116, the legislation before your subcommittee.

The JACL was founded in 1929 and is the oldest and largest national organization representing American citizens of Japanese ancestry.

We have approximately 28,000 members across the United States represented through 114 chapters nationwide. We are one of the unique national organizations in this country, in that U.S. citizenship is a basic requirement for membership in the JACL.

The JACL was established 55 years ago, not only to protect the welfare of Japanese-Americans in what was then a hostile social climate, but also to espouse the principles of American democracy and promote the responsibilities of citizenship.

It was in the spirit of this raison d'etre that the JACL first raised the issue of the World War II internment in 1970, and has continued since then to place redress as its priority concern.

I have just come from Hawaii where the JACL has convened for its 27th biennial convention. I bring from that convention a reaffirmation of our priority commitment to rectify the injustices of our wartime exclusion and detention, a commitment which was embarked upon 14 years ago. I am here as a representative of the JACL to speak in support of S. 2116.

It was the JACL that requested legislation to establish a Federal commission to investigate the events surrounding the issuance of Executive Order 9066, and to provide their recommendations to the Congress and the President.

It was our organization's view that such a Commission was an important first step in helping to heal the wounds of the internment, and we were willing to rest our faith on the findings of this investigative body.

On July 8 and 10, 1983, the JACL National Board officially endorsed the findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians. Subsequently we requested that the recommendations of the Commission be drafted into legislation and introduced in the U.S. Congress.

The JACL is satisfied that the Commission's investigation into the matter of the World War II internment is exhaustive and complete. There are, however, those who criticize the Commission for what is claimed as a failure to investigate and consider crucial intelligence documents, and I refer here specifically to the Japanese diplomatic cables referred to by our Government as the MAGIC cables.

Mr. David Lowman, at a hearing on a companion bill in the House of Representatives, stated that the Commission's conclusions would have been substantially altered had a thorough examination been done of the MAGIC cables. Mr. Lowman's claim is that the leadership of this Nation was greatly influenced by the information contained in those diplomatic messages.

At the same time, I think it is worthwhile to note that Mr. Lowman prefaced his remarks by stating that—and I quote Mr. Lowman—

> I, too, feel that a grave injustice was done to many resident Japanese Nationals and many Americans of Japanese descent living on the west coast who were evacuated and interned in 1942 solely on the basis of their ancestry.

Mr. Chairman, it is the view of the JACL after examining the evidence of the MAGIC cables, that the MAGIC traffic does not in any way substantiate any claims against Japanese-Americans, nor justifies the Government's actions against us during World War II.

It is important to understand that while the cables may have indicated an intent by Japan to recruit agents in the United States, the focus is placed on a broad spectrum of types. It is true that cable 119 talks of the "Utilization of our Second Generation and our resident nationals." But there are many more cables that instruct Consular offices to focus their attention on labor-union members, communists, blacks, and aliens of extractions other than Japanese.

If MAGIC cable number 119 is so damning as evidence against Japanese Americans, then logic should have dictated a similar exclusion and detention of all labor-union members, communists, blacks and others mentioned. But of course it didn't.

It is also a matter of record that no person of Japanese ancestry on the mainland of the United States, where mass exclusion and detention were implemented, was ever accused or convicted of any acts of sabotage or espionage against this country prior to, during, or after the war.

Since the MAGIC information predated the outbreak of hostilities between the United States and Japan, surely the Government would have exercised extreme measures against us as a suspected group, but there was a period of at least 3 months following the attack at Pearl Harbor during which we faced no imposed restricted actions by the Government. And during that period there was never a single act of disloyalty by any person of Japanese ancestry on the west coast or anywhere in the United States.

If we were such a dreaded threat to the security of this country, the Government would have found ample justification to impose immediate restrictions against us. The fact is it didn't.

It should be emphasized here that the U.S. intelligence community, who were given the primary responsibility for west coast security, gave a clean bill of health to the ethnic Japanese population.

A 10-page memorandum to the Chief of Naval Operations from the Office of Naval Intelligence, 11th District, dated January 26, 1942, states, and I quote,

> The entire "Japanese Problem" has been magnified out of its true proportion, largely because of the physical characteristics of the people; that it is no more serious than the problems of the German, Italian and Communistic portions of the United States population, and, finally, that it should be handled on the basis of the individual, regardless of citizenship, and not on racial basis.

The report continues with a significant statement, and I quote again,

> That the Japanese Consular Staff . . . and others who are known to have been sympathetic to the Japanese cause do not themselves trust the Nisei.

This 10-page report was circulated to the U.S. Attorney General, Francis Biddle, and to John J. McCloy, Assistant Secretary of War. On March 21, 1942, McCloy acknowledged receipt and added,

> I talked at length with Commander Ringle and other officials of the Office of Naval Intelligence. I was greatly impressed with Commander Ringle's knowledge of the Japanese problem along the coast.

Commander Ringle, of course, was the author of the 10-page intelligence memorandum.

I wish also to emphasize that the Ringle intelligence memorandum did not stand in isolation as the opinion of one individual in the intelligence community. In an April 30, 1943, memorandum to the Solicitor General from Edward Ennis, Director of Enemy Control of the Department of Justice, Ennis states,

> Lieutenant Commander Ringle represents the views, if not of the Navy, at least of those Naval Intelligence officers in charge of Japanese counter-intelligence work.

Noting that Naval Intelligence had

> The most direct responsibility for investigating the Japanese from the security viewpoint,

Ennis emphasizes that,

> The Naval officers believe that it was necessary to evacuate only about 10,000 people they could have identified by name . . . and they did not feel that it was necessary to evacuate all of the Japanese.

The Ennis memorandum continues:

> I think it follows, therefore, that to a very considerable extent, the Army, in acting upon the opinion of Intelligence officers, is bound by the opinion of the Naval officers in Japanese matters. Thus, had we known that the Navy thought that 90 percent of the evacuation was unnecessary, we could strongly have urged upon General DeWitt that he could not base a military judgment to the contrary upon Intelligence reports, as he now claims to do.

I might add, Mr. Chairman, that the memorandum from Mr. Ennis to the Solicitor General was a memorandum preparing the case against Fred Korematsu, which was heard in the U.S. Supreme Court.

In conclusion, there are several points that I wish to emphasize.

First, it was the Office of Naval Intelligence on the west coast that was given specific and primary responsibility for investigating the ethnic Japanese population in the coastal region, and for advising General DeWitt, the military commander on the west coast. ONI did not advise General DeWitt that a full-scale evacuation was either necessary or preferable.

Second, the Ringle memorandum represented the views generally of ONI on the west coast, and, according to Ennis, those in charge of the ONI operation felt "the whole evacuation scheme was carried on very badly."

Third, while Ringle and his colleagues at ONI did not have access to the MAGIC information, it is safe to assume that the Ringle memorandum was in the hands of the Director of Naval Intelligence, who did have access to MAGIC.

Fourth, even though the MAGIC information indicated some interest by Japan to seek out agents among the ethnic Japanese population on the west coast, ONI had established such close scrutiny of the west coast Japanese population that their intelligence could have determined without great difficulty who, if any, among that group might have been considered a security threat to the United States.

Fifth, while some of the MAGIC traffic—and as an example, MAGIC No. 174, May 9, 1941—indicated the use of second generation Japanese Americans for defense information, it is a matter of record that any Japanese-American in occupations even remotely related to defense work was removed from his job as hostilities increased between the United States and Japan, and those in the U.S. Army were discharged or placed in menial jobs. But again, the total numbers of Japanese Americans in those categories were so few that if the MAGIC information were valid, close surveillance could have been and was maintained on them.

Finally, and most significantly, the MAGIC radio traffic expressed no more than the intent of the Japanese Government to establish an espionage network in the United States, but there is no documented evidence in the U.S. Government's records that would indict any person of Japanese ancestry as having been part of that network.

In sumtotal, Mr. Chairman, even if one were to accept the argument that the information contained in the MAGIC cables were a major influencing factor in the Government's decision to exclude and detain the entire ethnic Japanese population on the west coast, it does not absolve the Government from the responsibility of rectifying the injustices committed against Japanese-Americans during World War II.

The fact remains that a major constitutional injustice was perpetrated against individual Americans and legal resident aliens of Japanese ancestry, when other courses of action were available.

We urge this subcommittee and the Congress to consider S. 2116 as legislation not for the benefit of some vague group who suffered in the past, but as legislation which would rectify one of the major constitutional injustices in our Nation's history. That injustice was visited upon the lives of individuals who believed in this country and its ideals and who have faith that the United States will live up to its promises.

I would like to add one final comment. I think that it is easy, in looking back 42 years past, to forget that we are talking about individuals, but I think what is important to remember is that it was the individual lives of 120,000 people that is really the whole point of what this issue is today.

We are talking about people like those you see in this room who went through the experience, and who suffered personal tragedies. We are talking about people like a woman I know named Mary Tsukamota who has an extreme case of arthritis and is in pain every time she puts her hand up to her chest, but that woman stands there, extremely proud to be able to recite the pledge of allegiance, or to hear the national anthem, and every time she does either, her eyes fill with tears. We are talking about someone like a man named Tom Watanabe in Chicago who lost his twin daughters and wife at childbirth at Manzanar because of the lack of medical facilities, and, for 40 years, all he wanted to do was find their graves because he was never told what happened to their bodies. He just wanted to say his final farewell.

We are talking about individuals here, and not about some vague group that can be easily forgotten.

This legislation, Mr. Chairman, I think is going to take, as Congressman Dymally stated, courage for the Congress to consider favorably. But I think if justice exists in this country, then this legislation has to be considered very, very carefully by your subcommittee and by the Senate.

Thank you.

Senator **Stevens**. Thank you very much.

The other two members in your panel have not arrived yet, have they?

Mr. **Tateishi**. No, they have not.

Senator **Stevens**. If they do wish to be heard, we will hear them later.

Mr. **Tateishi**. Sir, I don't believe they will be here at all.

Senator **Stevens**. Then we thank you very much for your statement.

[The prepared statement of Mr. Tateishi follows:]

TESTIMONY OF THE
JAPANESE AMERICAN CITIZENS LEAGUE
IN SUPPORT OF
S.2116

Submitted to

U.S. Senate Governmental Affairs

Subcommittee on

Civil Service, Post Office and General Services

August 16, 1984

Summary of the JACL Testimony

The National JACL Testimony in support of S.2116 will be presented by Mr. John Tateishi, JACL National Redress Director.

The JACL statement will focus on claims that the "Magic" cables justify the exclusion and internment policies; and the rationale for individual monetary compensation to those affected by the U.S. government's policies of removal, exclusion and detention during World War II.

Testimony of the
Japanese American Citizens League
Submitted to
U.S. Senate Governmental Affairs Subcommittee
on
Civil Service, Post Office and General Serviced

August 16, 1984

The National Japanese American Citizens League (JACL) officially endorsed the findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians (CWRIC) by unanimous formal action of the National Board of the JACL, convened in San Francisco, California, on July 8-10, 1983.

The recommendations of the CWRIC were drafted into legislative language and incorporated into Senate bill S.2116, currently before this Subcommittee. S. 2116 attempts, in some degree, to provide redress for the blameless persons of Japanese and Aleut ancestry who were forcibly removed by the United States military from their homes during World War II, and a priori condemned to indefinite confinement in desolate camps for the duration of the war.

The JACL does not believe that history can be undone, nor that the people who were forced to go through that horrendous experience of forced exclusion and detention can ever be made whole. Moreover, no amount of money would ever be adequate to compensate fully the losses and damages which occured. There is no way to place an accurate monetary value on the frustrations, pain and suffering, humiliations and unwarranted distrust endured.

Nevertheless, the JACL believes that our Nation in formally acknowledging the enormous wrong that was done by providing concrete and substantial redress in actions and money, and by giving tangible evidences of the realities of the abstract concepts of justice and equality under the law, gives a clear signal to the world that the United States conscientiously endeavors to elevate itself above all others, and gives hope to all humankind that democracy is a viable, attainable way of life for all people.

The JACL therefore support S. 2116.

The Japanese American Citizens League was founded fifty-five years ago and is the oldest and largest national organization representing the welfare of persons of Japanese ancestry. The JACL is a civil and human rights organization, and in requiring United States citizenship for the privileges of membership, is one of the unique national organizations in this country. The JACL was established to promote Americanism and to bring about practical accomplishments in fulfilling the principles of democracy, equality and justice for all.

That purpose has not changed. Today, the JACL has 28,000 members, affiliated through 114 chapters in 26 states of the United States. Most of our members are Japanese American, but no United States citizen, of whatever ancestry, is barred from membership.

The JACL's current efforts to attain redress for the exclusion and detention of 120,000 of our people is in fulfillment of our pledge to reserve fundamental rights, not only for all Japanese Americans, but indeed for all Americans. In memory of the Issei, who patiently and painstakingly contributed to the rich mosaic of the American West, and certainly in tribute to the heroic Nisei veterans who valiantly fought overseas for America and for those many who died on bloody battlefields, we owe a solemn obligation to attain redress in redemption of their honor and dignity as inherently equal human beings.

The JACL national conventions since 1970 have raised the question of redress for all Japanese Americans who had endured the indignities and losses occasioned by the forced military exclusion and detention during WWII. While the Japanese American Evacuation Claims Act of 1948 provided partial monetary return of a miniscule portion of physical property losses incurred as a result of the government's exclusion policies, the JACL has argued that the issue and the legislation before this Subcommittee is of profound importance to this nation. The judicial sanction given to official racial segregation, based solely upon ancestry, endangered us all as Americans, for none of us chose our ancestry and none of us can resign from the ancestry to which we are born. To make ancestry the basis of legal distinctions among people is entirely repugnant to our concepts of equality under the law.

We believe it is extremely important to recognize that an unrectified injustice festers and eventually contaminates the well-being of the whole. Even as persons of Japanese ancestry, as full and equal citizens, should be granted redress, so should the American people be assured that our system of government is capable of acknowledging errors of the past and to take steps, in full measure, to assure that such wholesale injustices shall never occur again against any group of people in the United States.

The National JACL conventions, in 1976 in Sacramento, the 1978 convention in Salt Lake City, the 1980 convention in San Francisco, and the 1982 convention in Los Angeles, mandated that our national organization should seek redress from the Congress of the United States, in exercise of the First Amendment right "to petition the Government for a redress of grievances." There is no question that grievous wrongs were committed against us by our own government in 1942 in ordering the wholesale exclusion and detention of the entire group, in contravention of basic principles of law that no person should be punished unless charged, tried, and convicted, in accordance with due process of law, and after having been informed of this nature and cause of the accusation against such persons. Japanese Americans in 1942 were not accorded any of the constitutional guarantees which are contained in our Bill of Rights.

The JACL was successful in having enacted Public Law 96-317, creating the U. S. Commission on Wartime Relocation and Internment of Civilians, which President Jimmy Carter signed on July 31, 1980. The Commission was created to review the facts and circumstances surrounding the Executive Order 9066, issued on February 19, 1942, and the impact of such Executive Order on American citizens and permanent aliens of Japanese ancestry and Native Alaskans of Aleut ancestry residing in the Pribilof Islands, and to recommend appropriate remedies.

Concluding an eighteen month investigation, after examing more than 10,000 official documents and hearing more than 750 witnesses during the course of twenty days of hearings in various cities across the United States, the Commission issued its unanimous Final Report on February 24, 1983, stating unequivocally that the government's actions were not based upon "military necessity" but were the result of "race prejudice, war hysteria and a failure of political leadership," and that "a grave injustice was done to American citizens and resident aliens of Japanese ancestry." The Final Report was followed by Part 2, Recommendations, issued on June 16, 1983. The report and recommendations dealt not only with Japanese Americans but also in regard to the Aleuts, as directed by Congress.

On May 22, 1983, an article appeared in the New York Times which quoted Mr. David D. Loman, former intelligence officer of the National Security Agency, claiming that the CWRIC failed to examine Japanese diplomatic cables under the code name "Magic," and that had such an examination taken place the Commission's conclusions would have been significantly altered. Other individuals, in referring to the same "Magic" cablegrams, offer them as evidence of espionage activities along the West Coast by the Japanese American population and therefore justify the government's policies of exclusion and detention.

In testifying before a House Judiciary Subcomittee hearing on June 27, 1984, Mr. Lowman referred to the "Magic" intelligence information. At the hearing before the Subcommittee on Administrative Law and Governmental Relations, Mr. Lowman prefaced his remarks by stating,

> "At the outset I would like to make it prefectly clear that I too feel that a grave injustice was done to many resident Japanese nationals and to many Americans of Japanese descent living on the West Coast who were evacuated and interned in 1942 solely on the basis of their ancestry."

Upon examination of the "Magic" cables and of the testimony of Mr. Loman and others, the JACL maintains the view that the "Magic" information does not substantiate any claims against Japanese Americans nor justifies the government's actions.

As early as September 1940, United States cryptologists had broken the Japanese diplomatic code, variously referred to as "Purple" or "Magic." Through the American intercepts of "Magic," a closely guarded secret to which only a handful of individuals in the leadership of this country had access, it was known that the Japanese foreign service had established espionage and information networks in the United States and in other countries. However, much of the information transmitted from the United States was gathered from non-Japanese agents. The Japanese government had in fact advised its consular staffs to "avoid" the use of Japanese Americans in gathering information. Magic Cable #119, dated January 30, 1941, states:

> "Make investigations of all anti-Semitism, communism, movements of Negroes and labor movements.
> Utilization of U.S. citizens of foreign extraction (other than Japanese), alien (other than Japanese), communists, Negroes, labor union members, and anti-Semites, in carrying out the investigations described in the preceding paragraph would undoubtedly bear the best results."

Magic Cables #116 (April 28, 1941) further substantiates the successful efforts of the Japanese government to recruit non-Japanese as agents in the United States:

> "This office is at present employing a spy(an Irishman with Communist Party affiliations) and is having him collect information of this nature."

While the Japanese government indicated interest in the possibility of communicating with Japanese Americans, it is clear that there was a much greater interest in recruiting others:

> "Utilization of our Second Generation and our resident nationals. (In view of the fact that if there is any slip in this phase, our people in the U.S. will be subjected to considerable persecution and the utmost caution must be exercised)." Magic #119 (January 30, 1941)

Instead, the Japanese consular offices focused their attention on individuals from other arenas:

> "We are doing everything in our power to establish outside contacts in connection with our efforts to gather intelligence material. In this regard, we have decided to make use of white persons and Negroes..."
> Magic #174, (May 9, 1941)

The Japanese government obviously hoped to capitalize on the support of the politically and economically disenfranchised groups in America, as well as--in the case of a group known as the Silver Shirts--those disenchanted politically. But a close examination of the sum total of the Magic Cables reveal little significant intelligence information being transmitted from the United States.

The Magic Cables reveal nothing more than the intent of the Japanese government to recruit agents in the United States, and the point should be quite obvious: the intent of a foreign power should have absolutely no bearing on the treatment of American citizens. If one were to refute the logic of this argument, as do those who claim that the Magic Cables justify the discriminatory policies enacted against Japanese Americans during WWII, the logical conclusion of such an argument should have resulted in the forced exclusion and detention of all Blacks, labor union leaders, and communists, on the same basis upon which Japanese Americans were excluded and detained.

The treatment of Japanese Americans during the war is futher emphasized by the fact that the government's own records indicate that the U.S. was aware of the Japanese government's focus in recruiting non-Japanese groups as possible agents. In a Memorandum of Agreement between the Federal Bureau of Investigation, Military Intelligence Division of the Army, and the Office of Naval Intelligence, dated July 3, 1941, the point is made clear:

> "With the increase in tension between the United States and Japan, the Japanese government felt that its system for securing information was inadequate to meet a situation involving war. To correct this situation all Consulates within the United States were instructed to concentrate on the obtaining of military and naval information with the accent on obtaining early information of U.S naval movements. To this end they were instructed to minimize their propaganda and cultural activities, to concentrate their funds on the employment of agents and saboteurs, and they were specifically enjoined to avoid the use of second generation Japanese domiciled in the United States in order that there would be no retaliatory measures taken against this group. They were urged to employ Americans of foreign extraction, disloyal native born Americans and to utilize to the fullest extent possible the Communist Party and underpriviledged racial groups such as the Negroes." (Emphasis added)

The July 3, 1941 Memorandum of Agreement between the intelligence community responsible for the security of the West Coast is consistent with the information contained in the Magic cables. This information was confirmed further in the spring of 1941, when agents of the United States government gained undetected access to the Japanese Consulate offices in Los Angeles, California, and were able to produce documents which revealed that the Japanese government considered Japanese Americans to be cultural traitors who could not be trusted.

It is of significant note that prior to the outbreak of hostilities between the United States and Japan, and during the period following the attack at Pearl Harbor and the implementation of restrictions against the ethnic Japanese population on the West Coast, there were no acts of sabotage committed against the United States by any member of the ethnic Japanese population on the West Coast. And it is a matter of record that no person of Japanese ancestry on the

West Coast was ever charged or convicted of espionage or sabotage during World War II. The ten persons arrested and convicted as agents of Japan during the 1940's were all Caucasians.

It should be emphasized here that the U.S. intelligence community, who were given primary responsibility for West Coast security, gave a clean bill of health to the ethnic Japanese population. A memorandum to the Chief of Naval Operations from the Office of Naval Intelligence, 11th District (Los Angeles), dated January 26, 1942, addresses the question of the West Coast Japanese population:

> "As a basic policy tending toward the permanent solution to this problem, the American citizens of Japanese ancestry should be officially encouraged in their efforts towards loyalty and acceptance as bona fide citizens; that they be accorded a place in the national effort through such agencies as Red Cross, U.S.O., civilian defense, and even such activities as ship and aircraft building or other defense production activities, even though subject to greater investigative checks as to background and loyalty, etc., than Caucasian Americans.
>
> "That, in short, the entire 'Japanese Problem' has been magnified out of its true proportion, largely because of the physical characteristics of the people; that it is no more serious than the problems of the German, Italian and Communistic portions of the United States population, and, finally that it should be handled on the basis of the individual, regardless of citizenship, and not on racial basis."

The report continues, elaborating upon the writer's opinions by offering the following facts:

> "That the Japanese Consular staff...and others who are known to have been sympathetic to the Japanese cause do not themselves trust the Nisei.

> "That a very great many of the Nisei have taken legal steps through the Japanese Consulate and the Government of Japan to officially divest themselves of Japanese citizenship (dual citizenship) even though by so doing they become legally dead in the eyes of the Japanese law....
>
> "The last Issei who legally entered the United States did so in 1924. Most of them arrived before that time; therefore, these people have been in the U.S. at least eighteen years, or most of their adult life. They have their businesses and livelihoods here. Most of them are aliens only because the laws of the U.S. do not permit them to become naturalized. They have raised their children, the Nisei in the United States; many of them have sons in the United States Army....It does not seem reasonable that these aliens under the above conditions would form an organized group for armed insurrection or organized sabotage."

The ten page intelligence report concludes:

> "In the interest of national unity and internal peace and security some measures should be instituted to restrain agitators of both radio and press who are attempting to arouse sentiment and bring about action--private, local, state, and national, official and unofficial, against these people on the basis of race alone, completely neglecting background, training and citizenship."

This report was circulated to the United States Attorney General, Francis Biddle, and to John J. McCloy, Assistant Secretary of War. On March 21, 1942, McCloy acknowledged receipt of the report and added,

> "I spent some time on the West Coast, returning yesterday, and while out there I talked at length with Commander Ringle and other officials of the Office of Naval Intelligence, 11th Naval District. I was greatly impressed with Commander Ringle's knowledge of the Japanese problem along the Coast."

Commander Ringle, of course, was the author of the ten page intelligence report quoted above.

The Ringle intelligence memorandum did not stand in isolation as the opinion of one individual in the intelligence community. In an April 30, 1943 Memorandum for the Solicitor General from Edward Ennis, Director of Enemy Control of the Department of Justice, Ennis states,

> "Lt. Com. Ringle represent(s) the views, if not of the Navy, at least of those Naval Intelligence officers in charge of Japanese counter-intelligence work."

And, as Ennis states, it was Naval Intelligence which had "the most direct responsibility for investigating the Japanese from the security viewpoint," according to "the terms of the so-called delimitation agreement" under which "it was agreed that Naval Intelligence should specialize on the Japanese, while Army Intelligence occupied other fields."

Noting that "the naval officers believe that it was necessary to evacuate only about 10,000 people they could have identified by name," and that "they did not feel that it was necessary to evacuate all of the Japanese," Ennis' memorandum continues:

> "I think it follows, therefore, that to a very considerable extent the Army, in acting upon the opinion of Intelligence officers, is bound by the opinion of the Naval officers in Japanese matters. Thus, had we known that the Navy thought that 90% of the evacuation was unnecessary, we could strongly have urged upon Gen. DeWitt that he could not base a military judgment to the contrary upon Intelligence reports, as he now claims to do."

In commenting on the government's case in a test before the United States Supreme Court, the Ennis memorandum draws a telling conclusion:

> "Thus, in one of the crucial points of the case the Government is forced to argue that individual, selective evacuation would have been impractical and insufficient when we have positive knowledge that the only Intelligence agency responsible for advising Gen. DeWitt gave him advice directly to the contrary."

There are several points that should be made here.

First, it was the Office of Naval Intelligence on the West Coast that was given specific and primary responsibility for investigating the ethnic Japanese population in the coastal region and for advising General DeWitt, the military commander on the West Coast. ONI did not advise General DeWitt that a full scale evacuation was either necessary or preferable.

Second, the Ringle memorandum represented the views generally of ONI on the West Coast, and, according to Ennis, those in charge of the ONI operation felt "the whole evacuation scheme was carried on very badly."

Third, while Ringle and his colleagues at ONI did not have access to the Magic information, it is safe to assume that the Ringle memorandum was in the hands of the Director of Naval Intelligence, who did have access to Magic.

Fourth, even though the Magic information indicated some interest by Japan to seek out agents among the ethnic Japanese population on the West Coast, ONI had established such close scrutiny of the West Coast Japanese population that their intelligence could have determined without great difficulty who, if any, among that group might have been considered a security threat to the United States.

Fifth, while some of the Magic traffic (c.f., Magic #174, May 9, 1941) indicated the use of "second generation" Japanese Americans for defense information, it is a matter of record that any Japanese American in occupations even remotely related to defense work were removed from their jobs as hostilities increased between the United States and Japan, and those in the United States army were discharged or placed in menial jobs. But again, the total numbers of Japanese Americans were so few that if the Magic information were valid, close surveillance could have been maintained on them.

Finally and most significantly, the Magic radio traffic expressed no more than the intent of the Japanese government to establish an espionage network in the United States, but there is no documented evidence in the government's records that would indict any person of Japanese ancestry as having been part of that network.

It was the responsibility of ONI to maintain close surveillance on the ethnic Japanese population on the West Coast, and ONI better than any other agency of this government should have known if there was any military and/or security need to implement an exclusion policy against the entire Japanese population, despite the information contained in the Magic Cables. And since neither ONI nor General DeWitt had access to Magic, it could reasonably be argued that DeWitt's decision for exclusion should have been directed by ONI's advice. The obvious fact is that it was not.

In an addendum report, the Commission on Wartime Relocation and Internment of Civilians presented its investigation of the Magic cables and concluded:

> "...a review of the 'Magic' cables does not alter the Commission's position. Rather, it confirms the view expressed by the Commission. First, the intelligence sources reviewed assumed that Japan had a modest number of intelligence agents. Second, people familiar with the intelligence activities of Japan believed that the Japanese intelligence network employed many who were not ethnic Japanese. Third, the intelligence experts believed that any threat of sabotage, espionage or fifth column activity was limited and controllable and did not justify mass exclusion of the ethnic Japanese from the West Coast.
>
> "It is always worth underscoring that espionage or sabotage by a small group does not justify excluding and detaining the entire ethnic group to which they belong ....Such evidence provides no good argument for excluding all German Americans or English Americans from the coast and detaining them in the interior. Equally, there was no good argument for excluding and detaining the Japanese Americans."

Even if one were to accept the argument that the information contained in the Magic cables were a major influencing factor in the government's decision to exclude and detain the entire ethnic Japanese population on the West Coast, it does not absolve the government from the responsibility of rectifying the injustices committed against Japanese Americans. The fact remains that a major constitutional injustice was perpetrated against a group of American citizens and legal resident aliens when other courses of action were available and even preferable.

The major question of S2116 before the Subcommittee is not whether an injustice occurred forty-two years ago, but what a nation dedicated to equality under the law can do to rectify it. The forced removal and detention of Americans of Japanese ancestry and the treatment of Native Alaskans of Aleut anecestry constitute a disregard for the basic principles which govern this nation as a democracy.

The Japanese American exclusion and detention is first and foremost a living demonstration of the supreme importance of the founding document of this nation. While the Constitution sets out the powers of the federal government, the Bill of Rights provides protection for the individual citizens against the power of the government and the democratic majority to whom the government is ultimately responsible. As a result, the Bill of Rights encompasses two basic kinds of measures -- first, restrictions on the power which the federal government can wield over citizens, and, second, guarantees to the people of the United States of limited but very important liberties and freedoms. Thus, Congress is forbidden from passing any law abridging the freedom of speech or of the press and no person may be deprived of life, liberty or property without due process of law.

The concepts of the Bill of Rights are the central compact between the federal government and the American people. That compact rests on very fundamental presumptions about the American people and their government. There is the root assumption that the people of this country are law-abiding and loyal to the institutions of the country. This is most clearly expressed by placing on the government the burden of proof in criminal cases. An American may not be forced to give up his liberty or be faced with criminal fines unless the government persuades a jury of his peers that he has committed a crime. That basic requirement cannot be set aside in the interests of the security of society or of the state. The corollary to this presumption of innocence and loyalty is the requirement that innocence or guilt be established on a personal basis. The fundamental liberties may be denied to an American only if he himself transgressed against the law, not because people like him have or may have transgressed.

The very core of the bill before the Committee today is the recognition that the fundamental compact between the federal government and the American people which is expressed in the Bill of Rights, and that the assumptions and presumptions which are the foundation of that charter, were broken in the wartime treatment of the Japanese Americans. Because of the very magnitude of what happened -- 120,000 people forced to leave their homes and livelihoods on the West Coast and most of them held for periods of months or years in barrack-like detention camps in the interior -- it is hard to remember that we are dealing here with individuals.

What happened to the Japanese Americans in 1942 is well known. They were not treated as individuals. They were not given the presumption of loyalty or innocence. There was no burden on the government to show that Mitsuye Endo or Jack Fujimoto or May Ichida had themselves done anything to raise suspicion about them, much less to warrant the loss of the most basic American freedoms. Without discussion, without a place to appeal or an opportunity to be heard or to prove their innocence and loyalty to the government -- without a chance to be judged by the content of their character rather than by their blood and facial features -- lettuce farmers from Salinas and clerks from the Motor Vehicle Department in

Sacramento and modest merchants in Seattle were sent off to the desert of Manzanar or Poston or the cold and dust of Heart Mountain.

These basic facts have been well known for 40 years. What has been much less obvious until the publication of Personal Justice Denied by the Commission on Wartime Relocation and Internment of Civilians is the failure of the federal government to recognize that even a claim of military emergency could not excuse it from its obligation to deal with Mitsuye Endo and Jack Fujimoto and May Ichida as individuals. If, as the military claimed in 1942, the policies of exclusion and detention were exercised against an entire class of United States citizens because, in the urgency of the months following the attack at Pearl Harbor, there was no way to distinguish the loyal from the disloyal among that particular class, that determination could and should have been made during the early days of exclusion and detention. However, there was no attempt in the assembly centers to determine if there were facts justifying the incarceration of particular individuals. There was no recognition of the right of those released from camp to return to the West Coast. In fact, by the middle of 1943 even the War Department recognized that its own view of "military necessity" could no longer justify the exclusion of loyal Americans from the West Coast. Nevertheless, the exclusion continued for another eighteen months.

This history illustrates the fact that the damage of the exclusion and detention cannot be overcome without the concrete recognition of the breaking of the trust between the federal government and the Japanese Americans. The exclusion was not ended in 1943 because the War Department would not stand up and fight for the rights of individual loyal Japanese Americans to return to the West Coast. That recognition is still of supreme importance today. It is personally important for each of the people who were sent to camp. This is not ethnic legislation or special group legislation. It is legislation directed to those individuals to whom the federal government denied the presumptions of innocence and loyalty and the right to be judged as individuals.

It is important to acknowledge and rectify this today because it forcefully reaffirms that if the federal government breaks the compact that promises to members of even the smallest and most despised minority the right to be treated as individuals as impartially and fairly as the most powerful, then it assures all citizens that in the fullness of time the federal government will make amends and reaffirm the sanctity of that central trust between the government and the individual. There is a famous case from the civil war, Ex Parte Milligan, that made the point eloquently that in times of national crisis the burden and responsibility for maintaining the compact between the individual and the federal government is great indeed:

> When peace prevails, and the authority of the government is undisputed, there is no difficulty in preserving the safeguards of liberty; . . . but if society is disturbed by civil commotion -- if the passions of men are aroused and the restraints of law weakened, if not disregarded -- these safeguards need, and should receive, the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty.

In the Second World War the United States failed this test. In some ways that can be understood. After Pearl Harbor, Japan and all its works stirred deep animosity in the United States. Japanese Americans were a tiny minority even on the West Coast; they had no political voice or power. They had few friends -- and they had the long-standing animosity of the anti-Japanese demagogues on the West Coast. It wasn't difficult to ignore the loyalty of Mitsuye Endo or the pacifism of Gordon Hirabayashi -- to forget their individuality and to treat them as alien outcasts.

But it is a terrible price which the member of a helpless minority pays for the failure of our central political institutions. His life of loyalty to the United States and his confidence in the moral and political values of the country can find no useful expression. He has been judged before his case is heard. His protest would only bring more repression. In fact only the undeniable loyalty of the unquestioning bravery and fortitude in battle which the Nisei soldiers showed seemed capable of persuading other Americans of the

Americanness of those who for years had dedicated themselves in the words of the JACL, to becoming better Americans in a greater America.

The breach of trust between the government and the Japanese Americans also denied to the generation of American citizens recognition of their rightful place in the American community. Quite simply they were treated as if they were Japanese nationals. It is a particularly searing injury in wartime to be thrown out of the political and social community of which you are a part and treated as if you are in all likelihood an enemy. The stigma of that treatment is painful indeed and runs counter to our central understanding of what it means to be an American. It is a personal and collective stigma which Japanese Americans have had to endure for over forty years.

The Congress should enact this statute with its apology and compensation because on the most fundamental level its guardianship of American democracy is based on the notion that the federal government is not free, with impunity, to break its compact with the American people. Equally importantly this bill allows Congress to reassert the principle of individual and personal justice which became a casualty of war: the bill provides for compensation not on the basis of race or blood but on the applicability of the government's exclusion orders to the individual claimants. It is the 60,000 individuals who personally suffered the stigma and humiliation of the exclusion and detention who will in a modest and virtually symbolic way be made whole.

The JACL believes, as a civil rights organization, that unless our Nation is willing to face up to the mistakes of the past, and to rectify such mistakes, the rights of all Americans will be in jeopardy.

It is in pursuance of this objective that the JACL persists in its quest for justice.

We believe that liberty, justice and freedom are inseparable, and must be for all people. If one hated or suspect minority can be subjected to arbitrary confinement, injustices, or restrictions of freedom, imposed up untrammeled executive fiat, on the basis of race or ancestry alone, then all people are threatened.

We fervently believe that protecting the rights of any person providing justice for those who are aggrieved, and assuring freedom for even those we do not necessarily like or with whom we do not necessarily agree, protects the rights of all and assures justice for all.

It is because of these factors and others that the JACL comes to the Congress of the United States in seeking redress for those who were sorely aggrieved by the military removal, forced relocation, and indefinite incarceration of all persons of Japanese ancestry from the West Coast during World War II.

Senator **STEVENS**. We will now hear from the Honorable Samuel Hayakawa, former Senator from California.

TESTIMONY OF SAMUEL I. HAYAKAWA, FORMER SENATOR FROM THE STATE OF CALIFORNIA

Mr. **HAYAKAWA**. Good morning, Senator Stevens.

Senator **STEVENS**. Good morning, Senator.

Mr. **HAYAKAWA**. First let me thank you for the opportunity of giving testimony on this occasion. It is a real privilege.

I want to take a point of view this morning, Mr. Chairman, this has not been taken by anyone else to my knowledge. I want to look at the wartime relocation of Japanese-Americans from a strictly Japanese point of view, that is, the way it was seen by the Issei, or the immigrant generation.

Let me explain therefore something about the Japanese ethical and moral systems.

Every Japanese is born into a system of obligations—to his Emperor, to his feudal Lord, to his parents. These are known as "on." O-n. Or the obligations he must fulfill throughout his life.

As an immigrant from another country, he may or may not continue to revere the Emperor, but as long as he is in another country, he has "on" toward the government of that country.

President Roosevelt's Executive Order 9066, required that Japanese, both U.S. citizens and noncitizens, be removed from designated military zones, which were the three coastal States and a part of northern Arizona. The Japanese hastened to comply with the order, despite tremendous difficulties of preparation for travel, disposition of businesses and property, arrangements for transportation, thus showing themselves to be, by Japanese standards of "on", men and women of honor.

Of course, to be uprooted from one's home and business and moved to strange surroundings under military orders, was a painful and humiliating experience, but another Japanese moral imperative, takes over, and that is "giri to one's name," which means "self-respect" or what Germans call "die Ehre," comes into effect. Giri does not permit one, when deeply distressed to weep, scream, to make a scene or create a disturbance. One has to do what one has to do quietly and with dignity.

My wife and I were living in Chicago when all this was happening. We followed with intense interest what was happening to the Japanese in California. We read accounts in newspapers and weekly, particularly pictorial weeklies like Life Magazine. We saw newsreels. What impressed us again and again was the dignity, the grace and realism of Japanese behavior under these difficult and humiliating circumstances. They kept their dignity.

Now, the gap between the Issei who went to camp, and the Sansei—their grandchildren—who are now pressing for redress, is revealed by the contempt shown by the latter for the former. A statement issued by the Seattle chapter of the Japanese-American Citizens League, says that the Issei went to camp without a struggle, because they had been brainwashed by white racism into believing in their own racial inferiority.

Mr. Chairman, what incredible rubbish.

The younger Japanese-Americans, having learned to analyze the world in the trendy language of Black Panther ideology, have no idea what gave backbone and courage and character to their parents and grandparents in times of stress.

Among those whose lives were seriously disrupted by the relocation order were the students attending colleges and universities in California, Washington, and Oregon.

John H. McCloy, Assistant Secretary of War, requested Clarence Pickett of the America Friends Service Committee in May 1942, to start planning a program of student relocation that would enable young people to continue their studies. Distinguished educators from west coast universities and other institutions from elsewhere, plus the Japanese-American Citizens League, Government agencies and church groups and so on, began to form within a few short weeks a National Student Relocation Council. The problem was not only to relocate students already in college, but to place students in college as they graduated from high schools in the relocation centers. A further problem was to raise scholarship money to enable students to pay for their education.

The efforts of the Student Relocation Council were supported by the Staff of the War Relocation Authority as well as by the internees themselves.

In 1941, according to a study by Robert O'Brian entitled "The College Nisei," there were 271 Nisei students in colleges and universities east of the Rockies. Then, because of the combined efforts of everyone concerned, including especially the America Friends Service Committee, from 1942 to the end of the war, almost 4,300 students were relocated in all parts of the United States outside the west coast.

Among the many institutions that had never had Nisei students before, but received them during the relocation, were Illinois Institute of Technology, fashionable schools like Bryn Mawr, Carleton, Kenyon, Louisiana State University, University of Texas, Rutgers, Antioch, Oberlin, Haverford, Mount Holyoke, and Purdue University and so on.

In most places, Nisei were alone or virtually alone in a white society, but they soon found themselves among friends in their classmates and their professors, who received them warmly. Many Nisei distinguished themselves scholastically, others distinguished themselves in sports, and some in both. But all found themselves at home in a larger America than they had ever known before.

Their basic learning was summed up by a girl who attended an eastern school, who is quoted by O'Brian: She said,

> I've always wanted to be looked upon as an American, I have found it here. They treat me as an American. They do not treat me as a Japanese-American.

Now, whatever the heartbreaks and losses created by the wartime relocation, there were unforeseen benefits. Through the adventure of relocation, almost all Nisei and many Issei were thrown out of their ghettoized Japan-town existence into the mainstream of American life—and learned to converse, joke, quarrel, bargain, or pray with their fellow-Americans without racial self-consciousness. They learned to be at home in their own country.

Professor Thomas Sowell, the economist, has accurately described what happened:

> In short, the internment of Japanese-Americans . . . eventually worked to their advantage. It gave the group greater occupational and residential mobility, it released the young and ambitious native-born Japanese-Americans from the strict control of their parents. It decisively broke the back of the anti-Japanese prejudice and discrimination which had held them back for decades. Despite irreparable personal and financial damage to individuals, Japanese-Americans as a group prospered more after they returned from the internment camps than before. The Japanese-Americans did not put their main emphasis on trying to get justice, but rather on trying to get ahead. And they did.

This is from Race and Economics, published in 1975.

Mr. Chairman, it was a great humiliation for the Nisei of the 100th Battalion of the Hawaii National Guard to be sent to Camp McCoy, WI, where they were trained with wooden guns. Mr. Chairman, that is a degree to which they were distrusted, despite the fact that they were wearing American uniforms. But most seriously this distrust was an affront to these young men. America was saying to them, "You are not to be trusted. We doubt your loyalty."

Our distinguished colleague, the Honorable Spark Matsunaga, now a U.S. Senator from Hawaii, was in that unit. He has written as follows:

> We wrote home of our great desire for combat duty to prove our loyalty to the United States. It was not known to us then that our letters were being censored by higher authority. We learned subsequently that because of the tenor of our letters, the War Department decided to give us a chance. Our guns were returned to us and we were told that we were going to be prepared for combat duty—grown men leaped with joy.

Well, you know the story after that. On January 28, 1943, the War Department announced that Niseis would be accepted as a special combat unit. They volunteered in the thousands both from Hawaii and from the relocation centers. They were united with the 100th Battalion as the 442d Regimental Combat Team at Camp Shelby, MI.

The 100th Battalion first saw action in Salerno, Italy, in September 1943, and took heavy casualties. The 442d landed in Italy in June 1944, and at once gained a reputation as an assault force, and accomplished the famous rescue of the "Lost Battalion" of the 36th Texas Division, at an enormous cost in blood. Fighting in seven major campaigns, the men of the 442d suffered 9,486 casualties and won more than 18,000 individual decorations for valor.

Another 3,700 Niseis served in combat areas in the Pacific as translators and interpreters. The Japanese military, believing the Japanese language was too difficult for foreigners to master, were unbelievably careless about security. They did not count on Nisei on every battlefront reading captured documents and passing information on to allied commanders. Kibei—that is Nisei who are born in America but educated in Japan and were therefore the object of special suspicion and distrust—the Kibei turned out to be especially helpful in this respect, in assisting the American Armed Forces.

In short, the Nisei covered themselves with honor and made life in America better for themselves, and their parents, who a few years after the war, won the right to be naturalized, and their children.

I remember vividly the returning Nisei veterans I saw in Chicago soon after VE Day. They came home from Europe. Short of stature as they were, they walked proudly down Randolph Street, with infantry combat citations on their chests, conscious that they were home—home in their own country. And, Chicago, known throughout the war for its hospitality to servicemen, outdid itself when the Nisei returned. The Nisei had really earned that welcome.

I do not believe, Mr. Chairman, that it suffices to say as an explanation, to say that the Nisei troops were brave. What was driving them was a profoundly Japanese motivation, namely "giri to one's name." I didn't know the word myself, but I knew I had it, and I know many other Nisei who have it, but they weren't told about it in those words.

Since they had been suspected of disloyalty, they had to prove themselves loyal beyond all questions, beyond all doubt.

This is the basic reason the Nisei volunteered in such numbers. This is the reason they fought so well. More than 33,000 Niseis served in the war—a remarkable number out of a total Japanese-American population—Hawaii and mainland combined—of something like 200,000. They had a fierce pride in their reputation as a group.

And, Mr. Chairman, the Issei were also motivated by "giri to one's name." Those who found jobs outside the camps, as a result of the efforts of the War Relocation Authority, proved to be exemplary workers, as if to prove something not only about themselves, but about their entire group. Japanese-Americans, young and old alike, accepted the mass relocation with dignity and maturity making the best of a humiliating and unjust situation. In so doing they exhibited the finest resources of their ancient background culture.

To me as a Japanese-American, I find myself both awed and humbled by Japanese-American behavior during World War II.

First, I was deeply impressed by the ability of the Issie, the immigrant generation, to draw upon their moral resources and their ethical traditions to accept the discomforts and the agonies of relocation with stoicism and dignity. Thrown into ugly barracks in the desert, they made bearable the unbearable with patience and humor. And to relieve the emptiness of camp life, they drew again upon the resources of their own culture. They started to work on painting, sculptures, flower arranging; they recalled much of it from memory: Kabuki music, the ancient art form of Kabuki drama, the recitatives of nagauta, which is long narrative poems that the Japanese like to recite. They would sit around bridge tables reciting nagauta to each other, or quoting each other passages from Kabuki drama and responding to each other, taking all parts. This was one of their amusements in camp. Again, the Japanese culture was a defense and the resource in times of trouble.

The Nisei as servicemen, both in the Pacific Theater and the 442d in Europe, also make me proud to be a Japanese-American. Their determination to prove themselves, their sense of Giri that led them to reckless deeds of heroism and also to record casualty rates, proved over and over again their high sense of honor—both as Americans and as Japanese.

Now, perhaps I have made clear why I object so profoundly to the idea of monetary redress for the anguish and the injustices of the relocation. The Japanese-Americans, both Issei and Nisei, acted like men and women of honor, fulfilling their obligations of "on," protecting "giri to their names," both as individuals and as a group—and in the course of all this, they proved themselves to be good Americans, as well as good Japanese.

Do they have to be paid for being men and women of honor?

Thank you, Mr. Chairman.

Senator STEVENS. Thank you, Senator. I appreciate your coming to testify. Good to be with you.

Our next witness is Congressman Norman Mineta from California.

TESTIMONY OF HON. NORMAN Y. MINETA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Representative MINETA. Thank you very much, Mr. Chairman. I apologize for being late, having just flown in from northern California. It is good to see you again, having served on President Ford's Olympic Commission with you, and having seen your valuable leadership there.

Mr. Chairman, many of us in this room have been working on the redress issue for several years because of our belief in its urgency and its importance. Today is, therefore, a day of profound excitement, and we appreciate your leadership in supporting this legislation and scheduling this hearing.

As you know, Mr. Chairman, in 1980, Congress enacted Public Law 96-317, creating a special Commission on Wartime Relocation and Internment of Civilians. That Commission was to study the internment during World War II of Americans of Japanese ancestry and of Aleut Islanders, and to "recommend appropriate redress."

I believe the Commission's work was exhaustive, complete, and accurate. Its report, "Personal Justice Denied," is the definitive story of the internment. I have complete confidence in the Commission's work, and I strongly endorse that report.

"Personal Justice Denied" showed conclusively that Americans of Japanese ancestry were law abiding, loyal Americans who posed absolutely no threat to the peace and security of this Nation, and wanted nothing more than the opportunity to share in the liberty and the defense of this Nation.

Moreover, the Commission concluded that the internment constituted "a grave personal injustice" that violated our most basic norms of constitutional due process.

After the Commission issued its report and recommendations last year, a group of Members of both bodies met and decided to draft legislation that implemented all of the Commission's findings, "alpha to omega" as one of us said. Those are the bills now before us, S. 2116 and H.R. 4110.

S. 2116 and H.R. 4110 contain an explicit legislative finding accepting the Commission's findings as accurate and complete. The legislation also includes the five specific remedies proposed by the Commission for the internment's historic damage to civil liberties.

Those five remedies in the bill are, of course, first of all:

A formal apology by the Government.

Second, offer a pardon to those few individuals who were convicted of violating the internment.

Third, a request that the administration review "with liberality" applications for administrative relief.

Fourth, a $1.5 billion trust fund to finance educational, social and humanitarian programs.

Fifth, payment out of that trust fund of $20,000 to each of the estimated 60,000 present day survivors of the internment camps.

Although the loss of property and income from the internment is estimated perhaps as high as $6.2 billion in comparable current dollars, these payments are intended, in my mind, not as compensation for lost property, but as liquidating damages resulting from the profound abridgment of basic constitutional rights.

These payments are an essential element of the legislative package, and any step short of compensation would be an empty gesture.

Now, similar recommendations are included for the few hundred Aleuts who were interned. I realize, Mr. Chairman, that while H.R. 4110 and S. 2116 are identical in regards to Americans of Japanese ancestry, there are some differences in how the two bills respond to the evacuation and internment of Aleuts. For myself, I have no quarrels with the provisions of S. 2116 and welcome your leadership on this matter.

The case for this legislation, Mr. Chairman, is based on the conclusion that the internment was caused not by any military or security necessity, but by prejudice, ignorance, fear, and greed.

Moreover, the internment constitutes one of the most significant and indefensible abridgments of civil rights in our history. I realize that people of good faith may well disagree on the most appropriate remedy for the damage left by the internment. But surely the internment itself is nothing more than a shameful and dishonorable episode that is a blot on our Nation's record until erased with this legislation.

Now, a basic problem is before us. Our Government has labeled us—and by us I do mean all 120,000 of us—as vaguely untrustworthy and a danger to the Republic.

Mr. Chairman, on behalf of all Americans of Japanese ancestry who were interned, I ask and entreat this subcommittee to give us back our honor. Give back the dignity and the pride that this Government so unnecessarily took from us in 1942. Every citizen of this land will benefit from our rededication today to equal justice.

I realize that some who were involved in the original decision to intern us are still defending their actions. I suppose if I had made as big a mistake as they did, I would also be reluctant to admit it. I do not think they were evil men. But they were caught up in a web of racism and fear that blinded them to the truth and set them on their foolish course.

Elliot Roosevelt was recently interviewed on television and he has called his father's decision to intern loyal Americans, "as the biggest mistake of his entire career as President. He was given the wrong advice and the system broke down, and I don't think they even used their noggins."

Mr. Chairman, I would like at this time to enter for the record a copy of the Panorama interview that was on WTTG-TV in Washington, DC, on June 28, 1984.

Senator STEVENS. We will print that too. Yes.

[The document follows:]

PANORAMA INTERVIEW—FRANK SATO, ELLIOT ROOSEVELT AND MAURY POVICH

Povich: Let's go back in time, Let's go back almost 25 years [sic], early in 1942, in February, Franklin Delano Roosevelt signed an order giving the Secretary of War the power to relocate 115,000 men, women, and children of Japanese descent into detention camps for fear of espionage and sabotage on the part of Japanese Americans. The Presidential action took place ten days after the bombing of Pearl Harbor. In recent history, many are saying that is one of the worst moments in American history in terms of civil liberties and what it did and whether indeed the President of the United States had the constitutional right to do something like that.

Please welcome Frank Sato, who is the Secretary Treasurer of the Japanese American Citizens League, currently appointed by President Reagan as Inspector General for the Veterans Administration and also a President Carter appointee as Inspector General for the Department of Transportation. He is really the highest ranking Japanese American currently in government. Nice to have you with us Mr. Sato.

Sato: Thank you very much.

P: You grew up for the better part of four years of your life in what is now known as one of the Japanese American detention camps.

S: Yes sir. Yes, indeed.

P: Do you remember it?

S: Very vividly. I think it was a very sad experience and it was something that was very devastating at the time it took place.

P: Now I have heard some people who have now brought their redresses to government calling them "concentration camps." Would you go that far to call it a concentration camp or not?

S: I think I would qualify that. Certainly I wouldn't go that far. However I wouldn't minimize the impact or the conditions of those camps one bit.

P: Now as I understand it. Was it not true it didn't matter what you were or how long you had been here but if you were of Japanese American descent and you lived on the West Coast there was a knock at the door?

S: That's absolutely correct. I was a youngster 13 years old and if you look at the history of the situation I think it's very hard to believe that the government would incarcerate a person like myself as a danger to the war effort in 1942.

P: Alright. Elliot, here's your father. You were there, I don't know if you were in Washington at the time. What was the reasoning behind the order?

Roosevelt: Well it was done principally on the advice of the military commander out on the West Coast. It was caused by an hysteria that developed on the entire West Coast from the Canadian border to the Mexican border. Fear of invasion . . .

P: This was right after Pearl Harbor?

R: Right after Pearl Harbor and actually I was out there right after Pearl Harbor flying anti-submarine patrol. A submarine did surface and fire upon a refinery near Santa Barbara. There was a constant fear that there was going to be an armada, landing troops and coming ashore. And everybody of Asiatic descent was looked upon by the populace as being suspect. Possibly being a person who could join forces with the invading forces. And the commander in my opinion on the West Coast, the army commander who made the recommendation through to Gen. Marshall and thence to Mr. Stimson, the Secretary of War, they all got imbued with the hysteria of the people on the West Coast which had nothing to do with the loyalties of all of these people and resulted in probably my father making the biggest mistake of his entire career as a President which extended over more than 12 years. He was given the wrong advice and the system broke down and the checks and balances were not followed of determining who possibly could be. . . . Here's a 13 year old child who couldn't possibly imagine him, joining in as a saboteur. I don't think they even used their noggins.

P: Do you believe though that there might have been provocateurs and saboteurs among the Japanese American population?

R: In Hawaii, there were some. On the other hand, there were ardently patriotic Japanese Americans who fought valiantly. I fought in Italy; I saw them myself. They had horrible losses. We have a United States Senator from Hawaii who was part of that effort and I tell you that there was in the initial period of Pearl Harbor and the devastation that was rendered there, there were certain people who were cooperating with the Japanese Consulate in Hawaii.

S: I think an interesting thing on that is that Mr. Roosevelt mentions the Hawaii situation. However, it's interesting to note that only Americans of Japanese descent on the West Coast of the United States were incarcerated and removed. Those Japanese Americans in Hawaii remained. So there is a very disturbing inconsistency in the decisions of the government.

P: Why did it last so long? I mean the initial Pearl Harbor hysteria had to have calmed down, let's say midway through 1942, 6 months after the act and you're saying these camps were open all the way through the war.

S: Yes, sir, and I was in those camps during that . . .

P: Was there any attempt during the war to say "Hey, my gosh, what are we doing here?" We've invaded Guadalcanal, we've gone on the offensive, we have Midway, now we're on the offensive in the Pacific. The concern about the safety of the West Coast had to have diminished didn't it?

S: Yes, indeed. In fact, some have testified before Congress that long before the war ended that the quote "the military necessity" which was the basis for the Executive Order signed by President Roosevelt in 1942 no longer existed. Even if you could assume that that was justified in 1942, long before the end of the war, the people could have been released and sent back to their homes. However, I think once the mistake was made, people didn't know what to do with it.

P: How many of those 115,000 people lost their homes because they had to spend 3½–4 years in those camps?

S: I don't know how many, but I would say a vast majority did suffer tremendous property losses. My father . . .

P: Employment losses. I mean, you're pulled off your jobs. I don't know how many for instance were able to get their jobs back.

S: Yes, indeed. The loss of incomes, loss of careers, loss of lifetime employment or business and so forth. My father was a farmer. He lost everything.

P: And what happened to him after all those years of the camps. Was he able to go back into farming or not?

S: I think you have to realize that in 1942 when this occurred, my father was 57 years old. When we returned to the West Coast and I'm the youngest of 6 children, I returned to my home state in Washington. He was already over 60 years old. He considered farming and I just told him it was just too painful for him.

P: We'll be back and continue this discussion and we'd like to find out what is happening now and whether the petitions now before the Congress are ones of legitimacy and ones that should be enacted so that the survivors like Mr. Sato, and so many others of those years should be compensated in some way. We'll be back in a moment after this.

P: We were just talking during the break with Frank Sato and Elliot Roosevelt. You're more concerned that this never happen again than anything else.

S: I think that's fundamental to the whole issue today.

P: That even in a state of hysteria that you can never count upon not happening that the rights of Americans, no matter who they are and where they come from not be abridged the way they were in 1942.

S: I think that's absolutely essential, that constitutional rights of all Americans, resident aliens have to be protected as our laws are constructed.

P: Well, then how do you do that with the human emotion of what Elliot Roosevelt was talking about following Pearl Harbor?

S: I think if you look back in 1942, we're told at this stage that there were indications of some subversive activities. There were certain individuals who were rounded up by the FBI, some 3,000. I don't know of any individual that was ultimately convicted. They may have been suspected but I think that due process of law would have said if an individual is suspected, you look into it. If they're guilty, you take action, otherwise you let him go, but you don't round up 120,000.

You see, Mr. Povich, 25,000 of the individuals of that 120,000 were people like myself under 14 years of age. 75,000 of us were born American citizens. The remainder were resident aliens. However, people like my mother and father could not gain citizenship under laws of the land at that time.

P: Were they members of those detention camps that ultimately joined the service and fought in Europe during the war?

S: Both an Europe and in the Far East. I have two older brothers. They both volunteered for the service. My brother, Bob, served in Italy. My brother, John, was an intelligence analyst monitoring Japanese broadcasts.

P: That was an inconsistency in itself, was it not? You round people up, you put them in detention camps, you keep them there for a year and a half and then say, "Oh, by the way, now you're going to fight." It's somewhat inconsistent isn't it?

S: Yes, it's something that's very difficult to understand and I think that's the troubling thing about the whole issue.

P: There is an effort to have the survivors of the camps still living to be compensated, what do you think of that? If your intent is to get out this public information to Americans so that this will never happen again in another case.

S: I think there is a two-fold issue. Number one, I think that you know in our form of government, when we redress wrongs, compensation is the form. The current amount that is before Congress is a symbolic amount.

P: $20,000 is it not?

S: Per individual to 60,000 living survivors of these camps. And I think that's a very nominal amount and that's really symbolic, but I think if you are going to bring the issue before the public, you have to have something there to really make it a crucial issue.

P: Well, where is the opposition to that? Where does it come from?

S: I think there are those who would say——

P: Is the award a precedent? Are we doing something——

S: Some will argue, that, however, I don't think that there is any precedent of this type. This is an unique experience in the history of this country where citizens of this country are rounded up just because of their ethnicity.

P: And how far has it gotten along in the Congress? Has it passed committee?

S: It's been introduced in the House by House Majority Leader, Jim Wright, and on the Senate side by Senator Spark Matsunaga. And the House hearings have just been started last week on the House side and Senate hearings are still pending.

P: Would you like to see that happen? Would you like to see compensation?

R: Oh, certainly, I think as you said, Sir [Frank Sato], it's purely symbolic, but it will have a meaning to the public and it will be there that it was a terrible, terrible breakdown in our system of democratic government and it shows that redress has to be made even though you really can never make it up to those people who were in those camps.

S: And I might add that the Japanese American Citizens League is really seeking an apology, a restoration of honor to the people that were involved. I think as Congressman Norman Mineta testified before Congress, I think that there needs to be a restoration of honor, an apology by the country, as well as the redress effort. We think that is part and parcel of the total issue.

P: Thank you very much for joining us Frank Sato, the Inspector General for the Veterans Administration, and the Secretary Treasurer of the Japanese American Citizens League for this on going effort to allow the American people to know what happened and how we can correct it.

Representative MINETA. Or as President Gerald Ford said in 1976, when he repealed Executive Order 9066, 36 long years after it was first signed, and I quote, "We now know what we should have known then—not only was that evacuation wrong, but Japanese-Americans were and are loyal Americans."

The blindness in 1942 was monumental. General John L. DeWitt, head of the Western Defense Command and a key figure in the internment, actually managed in speaking of the fact that no disloyal acts had been committed by Americans of Japanese ancestry to say, and I quote, "The very fact that no sabotage has taken place to date is a disturbing and confirming indication that such action will be taken."

So much for the principle of innocent until proven guilty.

But I come back to our premise. As the Commission report made plain—we were not traitors, we were farmers, we were businessmen, we were homemakers and we were teachers. We were not secret agents. Nearly 25,000 of us were 14 years of age or younger. Nearly 6,000 of us were born in camp.

And 1,862 died while in camp, a figure which does not include people like my father-in-law, Saijiro Hinoki, who owned a dry cleaning store in Colusa, CA, and was a leader in the community, and a leader of the local Rotary Club as early as 1937.

The FBI arrested Mr. Hinoki early in 1942, and for 2 months told his family nothing about where he was or why he was being held. Finally, the family was told he had been sent to a detention camp in Bismark, ND. Those who knew him said Mr. Hinoki never regained his lost will to live. He died a few years after leaving camp, a broken man.

I firmly believe, as the Commission found, that there was no reason to distrust the Americans of Japanese ancestry. But even if there had been some reason to suspect the loyalty of any individual, which I stoutly deny, what excuse is that to lock up 120,000 innocent and loyal Americans without a trial, without regard to the Constitution?

No rumor, no unconfirmed intelligence, no prejudice or fear justifies the internment. I do not think, for example, that the much talked about Magic cables had anything to say about me or my Cub Scout troop.

We did not lock up German-Americans. We did not lock up Italian-Americans. Nor did we even seriously consider interning Americans of Japanese ancestry on Hawaii, where the military dangers were the greatest, and a very large portion of the population was of Japanese ancestry.

Why is it that we just happened to lock up an ethnic group subject to decades of blatant and cruel discrimination? Because this was the group that popular opinion—and indeed the entire California Delegation at that time—demanded to have locked up.

Mr. Chairman, I could speak on this subject for quite a while but my time is limited, and you have been generous. I could tell you about some of the loyal and brave men that I know; Senator Hayakawa mentioned some of those exploits of the 442d, the 100th combat battalion and the people of the Military Intelligence Service.

But these were men who left the internment camps to fight bravely to defend this Nation.

I could tell you of the old women torn from their homes of decades and forced to live in cold, spartan barracks only to oblige the prejudice of greedy neighbors.

I could tell you of communities such as my home town of San Jose, CA, which stood by us and welcomed us home. Then I can tell you about the many towns unlike San Jose which, reeking with prejudice and fear, fought to prevent former internees from returning to their homes.

But let me tell you about my family. My father was not a traitor. He sold insurance from a small office in our home at 545 North Fifth Street in San Jose, CA. My mother was not a secret agent, she kept house and raised her children to be what she could not be, because the law said she couldn't be a citizen, but she was in fact a loyal American. So who among us was the security risk? Was it my sister Etsu, or Aya, or maybe Helen, or perhaps it was my brother Al, a sophomore pre-med student at that time at San Jose State University, who practices medicine today in San Jose.

Or maybe I was the one, a boy of 10½ who this powerful Nation felt was so dangerous I needed to be locked up without a trial, kept behind barbed wire and guarded by troops in high guard towers armed with machine guns.

What was it that I had done that made me so terrifying to the Government? Murderers, assassins, arsonists, even spies get trials, but not young boys born and raised in San Jose who happen to have odd sounding last names. Is that what this country is all about?

Chiseled in the marble over the Supreme Court Building, it does not say "Equal Justice Under Law Except When Things Get Sticky," it says, "Equal Justice Under Law."

That is what we ask for, Mr. Chairman, no more, no less. We have waited for 42 years, and the time has come.

I ask on behalf of the 60,000 internees who have died with their honor clouded. I ask on behalf of the 60,000 still alive and seeking justice. I ask on behalf of all Americans who believe that our Constitution really does mean what it says, "that we are created equal."

Mr. Chairman, members of the subcommittee, we are all supposed to wear these pins identifying us as Members of Congress. Some Members don't bother to wear the pins. I suppose they think the pins are inconvenient or silly. Yet I always wear mine because I cherish my seat in the House of Representatives, and I cherish the idea that a former internee can now sit in the Congress, and discuss this legislation with his peers.

I would like to close, Mr. Chairman, by reading a brief excerpt from a letter to friends in San Jose, written by my father and published in the San Jose Mercury Herald, on August 2, 1942. Although my father came here in 1902, his English was not perfect, as you will hear. The letter begins, and I quote:

> We all felt so strong while we are staying at the station with you and many other friends, but the train started and with the exchange of goodbye then became so lonesome, and when I looked at Santa Clara Street from the train, I thought this might be the last look at my beloved home city. My heart almost broke out and suddenly hot tears just pouring out. We whole family cried out and could not stop until we got out of our loved county.

Mr. Chairman, I am confident that this body will recognize the merit, the importance and significance of this case.

So on behalf of the old ones who are dying, I ask that we act with firmness and with speed.

Thank you very much, Mr. Chairman.

Senator **Stevens**. Thank you very much for coming from your district. We appreciate that. Thank you very much for a forceful statement. We appreciate it very much.

We now call upon Dr. Arthur S. Flemming who was on the Commission on Wartime Relocation and Internment of Citizens.

Dr. Flemming is known to us all, a man of great distinction. He served our country during the Eisenhower administration and other administrations.

Glad to have you here with us this morning.

TESTIMONY OF ARTHUR S. FLEMMING ON BEHALF OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. FLEMMING. Senator Stevens, I appreciate very, very much the opportunity of being here, and the opportunity of testifying at what I regard as a very important hearing.

May I say first of all just from a personal point of view, I have had the opportunity of being a part of our system of Government in a number of capacities over a period of years. I have developed a great respect for our system of Government. I have developed a great respect for our system of checks and balances.

It is clear, however, that in dealing with the issue that is the subject of this hearing, that our system broke down. And, after a long span of time, the Congress of the United States decided that our Nation should focus on what happened, and the Congress established the Commission on Wartime Relocation and Internment of Civilians.

I was honored to be appointed as a member of that Commission by President Carter. The members of the Commission approached their work from diverse points of view, diverse experience. We very rightfully became a collegial body.

We did hold extensive hearings on this matter, on the west coast and also in other parts of the Nation. We listened to well over 700 witnesses from the Japanese-American community. We listened to witnesses who had had official responsibility related to this matter during the war period. We arrived at certain findings based on the evidence, and certain conclusions. We have filed those findings and recommendations with the President and with the Congress of the United States.

As I have the opportunity of talking about this experience in various parts of the country and responding to questions relative to the experience, time and again I am asked whether or not in my judgment anything will happen as a result of the report that we have filed. In fact they are asking if this is going to be another report that will gather dust.

My response is that I believe something will happen because I believe in our system. The Congress having established this Commission, I am confident that the Congress is going to give very careful consideration to our findings and to our recommendations. That is why I welcome this hearing that you are conducting here today. Because it seems to me that this will help make sure of the fact that the Congress does come to grip with this issue.

Once again, our system is on trial. If nothing happens to the findings and recommendations of this report, it would be a very, very discouraging thing as far as the way in which our system of Government operates.

Personally, I am committed not just as a member of the Commission, but as a citizen, to do everything that I possibly can to help develop public support for our findings and recommendations, and I am prepared to do everything that I can to assist Congress as it gives consideration to this very important matter.

I have submitted to the subcommittee a statement which does summarize my views relative to our report as it relates to the issue confronting both the Japanese-Americans and also the residents of the Aleutian Islands.

Senator **Stevens**. We will print that fully in the record, Dr. Flemming.

Mr. **Flemming**. As you can appreciate, as a result of very voluminous testimony, the report itself is a voluminous report, but I commend to those who are not yet acquainted with the report the summary of our report and its recommendation which is a very brief summary under the heading of "Personal Justice Denied." I hope that that summary will have wide distribution throughout this country. I hope it will be used in our educational institutions at elementary and secondary educational institutions and at post secondary educational institutions, because one of the things that has happened is that this whole situation has been ignored in our educational system down through the years.

I am not going to—in my very brief summary of my statement—even summarize again why we came into existence; you are fairly familiar with that. You know that we have noted that the rationale given as the basis for the exclusion and detention of Japanese-Americans was military necessity. We carefully reviewed the extensive record of events which led to Executive Order 9066. We found no persuasive evidence of a military or security threat from Japanese-Americans which could remotely justify mass exclusion and detention on the basis of ethnicity without consideration of individuals.

The Commission found that the decision to exclude the Japanese-Americans from the west coast cannot be traced to any single, simple cause. There was a long and ugly history on the west coast of discrimination and agitation against ethnic Japanese which gained new vigor after the start of the war. After Pearl Harbor, there was a highly emotional mood of fear and anxiety on the west coast. On the basis of thorough review of a massive historical record, the Commission concluded that the broad historical causes of the decision to exclude and detain Japanese-Americans were race prejudice, war hysteria, and a failure of political leadership.

The excluded people suffered enormous damage and losses, both material and intangible. That one sentence is based, as I have indicated earlier, on the testimony of well over 700 members of the Japanese-American community. That testimony was certainly very, very well summarized by Congressman Mineta in the testimony that I listened to just a few moments ago.

A study that was performed for us estimated that in 1983 dollars, the total losses of income and property fell between $810 million and $2 billion. Each individual excluded from the west coast carries his own scars from that time.

To redress the injustice done to these individuals, the Commission recommended a formal national apology, Presidential pardons for those convicted of violating exclusionary statutes, full consideration of the Commission's findings by agencies which review Japanese-American claims arising from the acts or events between December 1941 and 1945, the establishment of a special educational fund, and the appropriation of $1.5 billion to provide a per capita compensatory payment of $20,000 to each of the surviving persons excluded from their places of residence.

The Commission found also that the evacuation of the residents of the Aleutian Islands from their islands following the Japanese attack on the Aleutians was justified as a measure taken for their protection. But, the camps to which the residents of those islands were sent fell far below the standards which the Government owes to those under its protection.

The conditions in the camps were deplorable and the suffering of the residents of the islands was very great indeed. Consequently, the Commission recommended a number of remedial measures to Congress: establishment of a $5 million fund for the beneficial use of the Aleuts, a payment of $5,000 to each Aleut who has survived the evacuation, the rebuilding of their churches destroyed during the war, the clearing of war debris from populated areas in the Aleutians, and the return of the island of Attu to the Aleuts.

In my statement which I have filed for the record of this hearing, I make the observation, that I believe it is well within our power as a Nation to provide remedies for violation of our own laws and principles. This is one important reason for these several forms of redress which our Commission has recommended.

Another is that our Nation's ability to honor democratic values, even in times of stress, depends largely upon our collective memory of lapses from our constitutional commitment to liberty and due process. Nations that forget or ignore injustices are more likely to repeat them.

I return to my opening comments—the Congress assigned the responsibility to our Commission. Speaking in behalf of my colleagues, we were honored by the assignment that the Congress gave us.

I personally have had many experiences in Government, but no experience was more moving than the experience of serving on this Commission.

Our findings, our collegial findings, our recommendations, our collegial recommendations—we believe in those findings and recommendations. We don't want to have this report gather dust. We do believe that our system is now on trial in that the Congress of the United States, is now being challenged to consider our findings and recommendations and to act in such a manner as to provide some redress for an unconscionable act on the part of our Government over 40 years ago.

Senator STEVENS. Lets take a recess, Dr. Flemming, and work out this problem.

[Off the record.]

Senator STEVENS. Go ahead, Dr. Flemming.

Mr. FLEMMING. I have completed my statement—maybe I didn't. Maybe I didn't quite complete that last sentence, but I will catch that when you send me a copy of the record.

Senator STEVENS. I am sorry for the interruption, Dr. Flemming.

Mr. FLEMMING. That is all right.

Senator STEVENS. It seemed necessary to try and straighten that out.

Let me ask you just a couple of questions.

One, many of the Members of the Senate have asked me about the objective concept rather than the subjective manner of dealing with the payments that would be authorized under this bill. We have heard testimony here and we know from the testimony that your Commission received, that some members who relocated were almost immediately sent on to schools or allowed to go to other places with relatives.

Did the Commission consider being subjective in the treatment of the payments as opposed to this general payment for anyone who was listed on the rolls?

Some people were kept in relocation centers for years, others were just there for a matter of days. It doesn't seem to be fair to treat them both the same way.

Mr. FLEMMING. Mr. Chairman, we did give consideration to that particular factor, but we just felt that 40 years after the event, it would be virtually impossible to reconstruct and to deal with it on a case by case basis. That although people did have varying types of experiences, all of those who were subjected to this experience in any way were subjected to experiences which certainly can only be characterized as negative experiences as far as the impact on their lives was concerned. We felt as a Commission that at this point in time, it would be very difficult, if not impossible, to try to separate those experiences and evaluate them on a case-by-case basis.

Senator STEVENS. What about those who were members of the armed services, some 20,000 to 30,000 were actually members of the armed services, after having been listed on the rolls. Did your Commission determine that they too should receive the same payments as those who were in the camps for years?

Mr. FLEMMING. Yes, because they were subjected to some very tough experiences before they volunteered and became a part of the armed services. It is certainly to their credit that they did become a part of the armed services, in the light of the kind of experiences to which they were subjected to.

Senator STEVENS. Were there any considerations of the Commission, in your opinion, that are not properly reflected in the legislation before us? Have you had a chance to study the legislation before?

Mr. FLEMMING. It seems to me you have reflected our findings and our recommendations in the Senate bill. Those recommendations are recommendations that we did give a good deal of time and thought to, and as you can appreciate, we didn't all start off at the same point by any means in terms of the recommendations. As a result of our group discussions in the light of our common experience of having listened to the testimony, we arrived at these conclusions.

I certainly hope that these conclusions will be incorporated into law. I appreciate the fact that there are those who will say that we went too far, others who will say we didn't go far enough. That's always true of recommendations of this kind.

I do feel that if recommendations of this type are really incorporated into law, we will be taking the rhetoric that we have been using in condemning this particular event, and then translating it into some meaningful action.

Senator STEVENS. One last question, Dr. Flemming, and I again appreciate your taking the time to come to this hearing as our subcommittee has the duty, when we go back, of determining whether to end this to the full committee.

At least one person has questioned me about the provision that deals with payment under the bill to people who no longer reside in the United States. Was that actually discussed by the Commission, whether these payments should be made to people who no longer reside in the United States?

Mr. FLEMMING. I don't recall any specific discussion on it, but personally I have no difficulty in supporting that particular part of the recommendation because those people did have this experience, they were denied their rights under the Constitution of the United States and it seems to me they are entitled to this redress no matter where they may be residing at this particular time.

Senator STEVENS. Again, Dr. Flemming, it is nice to see you, and thank you.

Mr. FLEMMING. I appreciate the opportunity and I appreciate your taking the initiative in holding these hearings. I want you and your colleagues to know that if there is anything that I can do to be of help, I would be more than happy to do it.

Senator STEVENS. We will call on you.

Mr. FLEMMING. Thank you.

Senator STEVENS. Thank you.

[Mr. Flemming's prepared statement follows:]

STATEMENT OF ARTHUR S. FLEMMING ON BEHALF OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

BEFORE THE
SUBCOMMITTEE ON CIVIL SERVICE, POST
OFFICE AND GENERAL SERVICES OF THE SENATE
COMMITTEE ON GOVERNMENTAL AFFAIRS

August 10, 1984

SUMMARY OF STATEMENT OF ARTHUR S. FLEMMING ON BEHALF OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

The Commission on Wartime Relocation and Internment of Civilians was directed by Congress to investigate the promulgation of Executive Order 9066, the wartime events which followed from it, and the treatment of the Aleuts during the Second World War. It was also asked to submit recommendations for appropriate remedies.

The rationale given as the basis for the exclusion and detention of Japanese Americans was military necessity. The Commission carefully reviewed the extensive record of events which led to Executive Order 9066. It found no persuasive evidence of a military or security threat from Japanese Americans which could remotely justify mass exclusion and detention on the basis of ethnicity without consideration of individuals.

The Commission found that the decision to exclude the Japanese Americans from the West Coast cannot be traced to any single, simple cause. There was a long and ugly history on the West Coast of discrimination and agitation against ethnic Japanese which gained new vigor after the start of the war. After Pearl Harbor, there was a highly emotional mood of fear and anxiety on the West Coast. On the basis of thorough review of a massive historical record, the Commission concluded that the broad historical causes of the decisions to exclude and detain Japanese Americans were race prejudice, war hysteria, and a failure of political leadership.

The excluded people suffered enormous damage and losses, both material and intangible. A study performed for the Commission estimated that in 1983 dollars, the total losses of income and property fall between $810 million and $2 billion. Each individual excluded from the West Coast carries his own scars from that time.

To redress the injustice done to these individuals, the Commission recommended a formal national apology, presidential pardons for those convicted of violating exclusionary statutes, full consideration of the Commission's findings by agencies which review Japanese American claims arising from the acts or events between December 1941 and 1945, the establishment of a special educational fund, and the appropriation of $1.5 billion to provide a per capita compensatory payment of $20,000 to each of the surviving persons excluded from their places of residence.

The Commission found that the evacuation of the Aleuts from their islands following the Japanese attack on the Aleutians was justified as a measure taken for their protection. But the camps to which the Aleuts were sent fell far below the standards which the government owes to those under its protection. The conditions in the camps were deporable and the suffering of the Aleut people was often very great indeed. Consequently, the Commission recommended a number of remedial measures to Congress: establishment of a $5 million fund for the beneficial use of the Aleuts, a payment of $5,000 to each Aleut who has survived the evacuation, the rebuilding of Aleut churches destroyed during the war, the clearing of war debris from populated areas in the Aleutians and the return of the island of Attu to the Aleuts.

No statute that Congress may enact can undo history. But one of our strengths as a nation is our willingness to acknowledge imperfection as well as to struggle for a more just society. It is in a spirit of continuing that struggle that the Commission submits its recommendations.

STATEMENT OF ARTHUR S. FLEMMING ON BEHALF OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. Chairman, from 1981 to 1983 I served as a member of the Commission on Wartime Relocation and Internment of Civilians. It gives me great pleasure to appear this morning before the Subcommittee on Civil Service, Post Office and General Services of the Senate Committee on Governmental Affairs in order to testify on S.2166, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The Commission was established by Congress in 1980 and directed to

1. review the facts and circumstances surrounding Executive Order Number 9066, issued February 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens.
2. review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands; and
3. recommend appropriate remedies.

In fulfilling that mandate, the Commission issued an historical analysis of the promulgation of Executive Order 9066 and the events that flowed from the Order, Personal Justice Denied, which was released in February, 1983. In June of 1983 the Commission issued its recommendations for remedies. The recommendations followed not only the historical analysis but also an economic study and a conference on health perspectives with regard to the Japanese Americans and the release of an addendum addressing the relevance of the so-called Magic cables to the decisions to exclude and detain the Japanese Americans.

The Commission's mandate was to consider the treatment of both Japanese Americans and Aleuts during World War II. I will address each in turn.

I turn now to the treatment of the Aleuts. During the Second World War, the Aleutian Islands were strategically valuable to both the United States and Japan. In June, 1942 the Japanese attacked and held the two westernmost Aleutians, Kiskn and Attu; only giving the islands up in the summer of 1943.

The military had anticipated a possible Japanese attack for some time before June, 1942. The question of what should be done to provide security for the Aleuts lay primarily with the civilians who reported to the Secretary of the Interior. They were unable to agree upon a course of action -- evacuation and relocation to avoid the risks of war, or leaving the Aleuts on their islands on the ground that subsistence on the islands would disrupt Aleut life less than relocation. The civilian authorities were engaged in consulting with the military and the Aleuts when the Japanese attacked.

At this point the military hurriedly stepped in and commenced evacuation. On June 3, 1942, the Japanese bombed the strategic American base at Dutch Harbor in the Aleutians; as part of the response a U.S. ship evacuated most of the island of Atka, burning the Aleut village to prevent its use by Japanese troops, and Navy planes picked up the rest of the islanders a few days later.

In anticipation of a possible attack, the Pribilof Islands were also evacuated by the Navy in early June. In early July, a number of Aleut villages from Atka eastward to Akutan were evacuated. All of the approximately 900 Aleuts were relocated to southeastern Alaska except 50 persons who were either evacuated to the Seattle area or hospitalized in the Indian Hospital at Tacoma, Washington.

The Commission found that the evacuation of the Aleuts had a rational basis as a precaution to ensure their safety. The Aleuts were evacuated from an active theatre of war; indeed, 42 were taken prisoner on Attu by the Japanese. It was clearly the military's belief that evacuation of nonmilitary personnel was advisable. The families of military personnel were evacuated first, and when Aleut communities were evacuated the white teachers and government employees on the islands were evacuated with them.

But the military basis for the evacuation does not justify the later treatment of the Aleuts. The Aleuts were subjected to deplorable conditions following the evacuation. Typical housing was an abandoned gold mine or fish cannery buildings which were inadequate in both accommodation and sanitation. Lack of medical care contributed to extensive disease and death.

Conditions at the Funter Bay cannery in southeastern Alaska, where 300 Aleuts were placed, provide a graphic impression of one of the worst camps. Many buildings had not been occupied for a dozen years and were used only for storage. They were inadequate, particularly for winter use. The majority of evacuees were forced to live in two dormitory-style buildings in groups of six to thirteen people in areas nine to ten feet square. Until fall, many Aleuts were forced to sleep in relays because of lack of space. The quarters were as rundown as they were cramped.

In the fall of 1942, the only fulltime medical care at Funter Bay was provided by two nurses who served both the cannery camp and a camp at a mine across Funter Bay. Doctors were only temporarily assigned to the camp, often remaining for only a few days or weeks. Medical supplies were scarce.

Epidemics raged throughout the Aleuts' stay in southeastern Alaska; they suffered from influenza, measles, and pneumonia along with tuberculosis. Twenty-five died at Funter Bay in 1943 alone, and it is estimated that probably ten percent of the evacuated Aleuts died during their two or three year stay in southeastern Alaska.

To these inadequate conditions was added the isolation of the camp sites, where climatic and geographic conditions were very unlike the Aleutians. No employment meant debilitating idleness.

The standard of care which the government owes to those within its care was clearly violated by this treatment, which brought great suffering and loss of life to the Aleuts.

The Aleuts were only slowly returned to their islands. The Pribilovians were able to get back to the Pribilofs by the late spring of 1944, nine months after the Japanese had been driven out of the Aleutian chain. The return to the Aleutians themselves did not take place for another year. Some of this delay may be fairly attributed to transport shortage and problems of supplying the islands with housing and food so that normal life could resume. But the government's record, especially in the Aleutians, reflects an indifference and lack of urgency that lengthened the long delay in taking the Aleuts home. Some Aleuts were not permitted to return to their homes; to this day, Attuans continue to be excluded from their ancestral lands.

When they first returned to the islands, many Aleuts were forced to camp because their former homes (those that still stood) had not yet been repaired and many were now uninhabitable. The Aleuts rebuilt their homes themselves. They were "paid" with free groceries until their homes were repaired; food, building and repair supplies were procured locally, mostly from military surplus.

The Aleuts suffered material losses from the government's occupation of the islands for which they were never fully recompensed, in cash or in kind. Devout followers of the Russian Orthodox faith, Aleuts treasured the religious icons from czarist Russia and other family heirlooms that were their most significant spiritual as well as material losses. They cannot be replaced. In addition, possessions such as houses, furniture, boats, and fishing gear were either never replaced or replaced by markedly inferior goods.

The Commission faced practical difficulties in deciding on appropriate remedies. No effective system of records exists by which to estimate Aleut property losses exactly; certainly there is no readily available means of putting a dollar value upon the suffering and death brought to Aleuts in the Camps. The Commissioners agree that a claims procedure would not be an effective method of compensation. Therefore, the sums included in the Commission's recommendations were chosen to recognize fundamental justice as the Commissioners perceive it on the basis of the testimony and evidence before them. The recommended amounts do not reflect a precise balancing of actual losses; this is now, after many years, a practical impossibility.

1. The Commissioners, with Congressman Lungren dissenting, recommend that Congress establish a fund for the beneficial use of the Aleuts in the amount of $5 million. The principal and interest of the fund should be spent for community and individual

purposes that would be compensatory for the losses and injuries Aleuts suffered as a result of the evacuation. These injuries, as Personal Justice Denied describes, include lasting disruption of traditional Aleut means of subsistence and, with it, the weakening of their cultural tradition. The Commissioners therefore foresee entirely appropriate expenditures from the proposed fund for community educational, cultural or historical rebuilding in addition to medical or social services.

2. The Commissioners, with Congressman Lungren dissenting, recommend that Congress appropriate funds and direct a payment of $5,000 per capita to each of the few hundred surviving Aleuts who were evacuated from the Aleutian or Pribilof Islands by the federal government during World War II.

3. The Commission recommends that Congress appropriate funds and direct the relevant government agency to rebuild and restore the churches damaged or destroyed in the Aleutian Islands in the course of World War II; preference in employment should be given to Aleuts in performing the work of rebuilding and restoring these buildings, which were community centers as well as houses of worship.

4. The Commission recommends that Congress appropriate adequate funds through the public works budget for the Army Corps of Engineers to clear away the debris that remains from World War II in and around populated areas of the Aleutian Islands.

5. The Commission recommends that Congress declare Attu to be native land and that Attu be conveyed to the Aleuts through their native corporation upon condition that the native corporation is able to negotiate an agreement with the Coast Guard which will allow that service to continue essential functions on the island.

* * * *

The basic facts about the wartime treatment of Japanese Americans have long been known. On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066. Under that Order 120,000 people -- American citizens of Japanese ancestry and resident aliens of the immigrant generation from Japan, who were barred by law from becoming American citizens -- were prohibited from living and working on the West Coast. Almost all were later sent to "relocation centers" -- bleak barrack camps ringed by barbed wire and military guards in isolated areas of the West. Most remained in the camps until the mass exclusion was ended in December, 1944, more than two and a half years after the policy of exclusion and detention began. These events are unique in our history.

No program of mass exclusion or detention was imposed on German or Italian aliens nor upon American citizens of German or Italian descent.

In simple terms 120,000 people lost the right to live where they chose and the large majority were held in detention for more than two years without charges being brought against them.

Of course, that is not the way in which the American government has historically behaved. The government is not free to lock up citizens or expel them from extensive areas of the country without making and proving some charge against them.

It is not surprising that the exclusion and detention were opposed at the time by men like Attorney General Francis Biddle who had a strong sense of the fundamental importance of liberty and due process in the United States. The importance of these events have not been forgotten by those who continue to believe in America as a bulwark of freedom. Ronald Reagan, speaking in 1970 as Governor of California, pointedly and accurately underscored what each American should take from this history:

> "A lesson was learned in California during World War II, which should be made a part of the record and the heritage of Americans everywhere who cherish liberty, freedom, and constitutional guarantees."

With the passage of years, these views were largely shared by those who directly participated in the wartime events. In memoirs and other statements after the war, many of those involved in the exclusion, removal and detention passed judgment on those events. While believing in the context of the time that evacuation was a legitimate exercise of the war powers, Henry L. Stimson, the Secretary of War, recognized that "to loyal citizens this forced evacuation was a personal injustice." Justice William O. Douglas, who joined the majority opinion in Korematsu which held the exclusion constitutionally permissible, found that the case "was ever on my conscience." Milton Eisenhower described the removal of the Japanese Americans to the relocation camps as "an inhuman mistake." Chief Justice Earl Warren, who had urged evacuation as Attorney General of California, stated, "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens." Justice Tom C. Clark, who had been liaison between the Justice Department and the Western Defense Command, concluded, "Looking back on it today [the evacuation] was, of course, a mistake."

The exclusion of people of Japanese descent, both residents and citizens of the United States, from the West Coast took place at a time of high emotional tension and genuine popular fear of attack which followed the disaster at Pearl Harbor. The government justified the exclusion from the West Coast on the basis of military necessity. The first task of the Commission was therefore to look at the facts and consider whether military necessity justified this course of action.

The Commission found that the record does not permit the conclusion that there was military justification for the mass exclusion and detention of American citizens of Japanese ancestry and their resident alien parents.

There was a widespread -- but false -- belief that the attack on Pearl Harbor had been aided by sabotage and fifth column activities. The President and his cabinet officers did not forcefully dispel these stories and rumors. On the West Coast, there had been a long history of prejudice and discrimination against the ethnic Japanese Americans. These demands were made by organized anti-Japanese interest groups, the press and the West Coast members of Congress -- they came from every segment of the political spectrum.

The civilian clamour for exclusion was reflected in the actions of the War Department. Lieutenant General John L. DeWitt, in command of Army forces on the West Coast, recommended to Henry L. Stimson, the Secretary of War, that authority be sought to remove the Japanese Americans from the West Coast. DeWitt made his recommendation on the ground that loyalty was determined by ethnicity. "In the war in which we are now engaged," DeWitt wrote Secretary Stimson, "racial affinities are not severed by migration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil possessed of United States citizenship, have become 'Americanized,' the racial strains are undiluted." The record shows that DeWitt's views were substantially influenced by the governors and public officials of the West Coast states whose views he sought before taking his own position.

Secretary Stimson and President Roosevelt did not subject this program to sufficiently close and critical scrutiny. The Attorney General, Francis Biddle, did not believe the program necessary, but acceded to it when proposed by the War Department as an essential military measure.

Few Americans were familiar with American citizens of Japanese descent. The opinions of those with intelligence responsibility, such as the FBI, who believed that there was no sound basis for mass exclusion, were ignored or drowned out in the frightened uproar of the time. Those working in intelligence assumed that Japan had made an effort to obtain intelligence from both ethnic Japanese and other Americans. That was not surprising and was undoubtedly the course followed by Germany and Italy as well. It did not provide a justification for mass exclusion and detention. Typically, a 26 page analysis of Japanese intelligence and propaganda in the United States was produced by the Office of Naval Intelligence three days before Pearl Harbor; the authors clearly had access to the "Magic" cables in some form, the final two sentences of that report deserve quotation in full: "Current U.S. - Japanese relations are not clearly defined. However, in anticipation of a possible crisis, the FBI is prepared to take into custody and detain all persons whose activities are inimical to the best interests of the United States." In other words the situation was controllable by taking actions against individuals.

The Commission carefully reviewed the extensive record of events which led to Executive Order 9066. It found no pervasive evidence of a military or security threat from the Japanese Americans, which could remotely justify mass exclusion and detention. As General DeWitt conceded at the time, no sabotage had taken place. The later justifications offered by DeWitt in his Final Report on the exclusion and by the Justice Department which defended the exclusion in court also fail to demonstrate any military or security threat. In fact, the realistic estimates of the time suggested that there was as much or more danger from other segments of the population.

DeWitt's contention that ethnicity determined loyalty was answered as early as May 1942, by a Congressional Committee which examined the impact of the Executive Order in extensive hearings on the West Coast:

> "This testimony has impressed upon us in convincing fashion the fundamental fact that place of birth and technical non-citizenship alone provide no decisive criteria for assessing the alignment of loyalties in this worldwide conflict."

True of aliens, that statement can only be more powerful with regard to American citizens. Our legal system is founded on determining guilt or fault on an individual basis, and citizens must be given the presumption of loyalty. Moreover, the conclusion that ethnicity determined loyalty was not a military judgment deserving of any deference. Generals are not experts on race; their views on the political loyalties of civilians are only as good as the facts they can marshal in their support. As John J. McCloy, who was Assistant Secretary of War in 1942, testified to the Commission, the decision to issue the Executive Order was not based on actual events of sabotage or espionage known to the War Department. The lack of evidence of disloyalty on the part of Americans of Japanese ancestry in 1942 speaks for itself.

Secretary Stimson and Assistant McCloy approved the original order of exclusion, but they were men who were open to an understanding of the facts and they did not accept General DeWitt's views on race or believe that the Japanese Americans should be excluded from the West Coast for the duration of the war.

Mr. McCloy and Secretary Stimson opposed professional military opinion in deciding that the Army would seek volunteers among the Japanese Americans, thus opening the door to persuading even the most prejudiced of the loyalty of Japanese Americans who returned from European battlefields loaded with honors won in the service of the United States.

Most importantly, by the spring of 1943, the civilians at the head of the War Department had reached the position that no justification existed any longer for excluding loyal Japanese American citizens from the West Coast. In April 1943, McCloy laid out the basic points very forcefully to General DeWitt, who was on the West Coast. I quote the letter at length because it states succinctly the situation in the spring of 1943 and lays bare the differences of opinion with General DeWitt and those who supported exclusion:

> "The threat of Japanese attack is far from what it was. We are better organized to meet such an attack if it occurred. And we know a great deal more about our Japanese population. Furthermore, the War Department has established a combat team for volunteer American citizens of Japanese

> ancestry . . . [T]he War Department has initiated a process for loyalty investigations of all Japanese Americans to determine their eligibility for work in plants and facilities vital to the war effort. In other words, . . . the policy of the nation's Government, as well as that of the War Department, is presently looking toward the restoration to all loyal persons of Japanese ancestry of all their normal rights and privileges, to the end that they may be able to make their maximum contribution to the war effort. The very "entering wedge" which you appear to dread is precisely what must be accomplished.

* * *

> That there is serious animosity of the West Coast against all evacuated Japanese I do not doubt, but that does not necessarily mean that we should trim our sails accordingly. The longer California luxuriates in the total absence of the Japanese the more difficult it will be to restore them to the economy of California. They have a place in California as well as in any other state as long as military considerations do not intervene. I cannot help but feel that social considerations rather than military ones determine the total exclusion policy. The army, as I see it, is not responsible for the general public peace of the Western Defense Command. That responsibility still rests with the civil authorities. There may, as you suggest, be incidents, but these can be effectively discouraged by prompt action by law enforcement agencies, with the cooperation of the military if they even assume really threatening proportions."

McCloy was entirely correct in his view that the military situation no longer justified exclusion (if indeed it ever could). A program for returning the Japanese Americans to the West Coast needed to be started and McCloy urged the gradual return of Japanese Americans beginning at once.

Unfortunately, it did not happen as McCloy told General DeWitt it should. The exclusion was not ended for another eighteen months. General DeWitt continued to support the exclusion with every tactic available until he left the Western Defense Command in the fall of 1943. Throughout 1943 and 1944 there continued to be virulent and widespread opposition in the West Coast press, among West Coast politicians and interest groups to the return of Japanese Americans to the West Coast. These views prevailed. For at least the last six months of that period, immediately before the Presidential election of 1944, the decision to continue the exclusion was that of President Roosevelt.

By any analysis with the least sensitivity to American constitutional values there was no justification for holding loyal American citizens of Japanese descent in detention or prohibiting them from traveling, living and working where they chose.

In his memoirs, Secretary Stimson cogently called the evacuation a "personal injustice" to loyal Japanese Americans. It was a personal injustice precisely because the country failed to apply justice in a personal or individual manner. Men, women and children were uprooted from their homes and their lives shattered because the United States failed to provide personal justice in time of war. It is important to emphasize that we are dealing here with American behavior. The Japanese and Nazi treatment of Americans and other prisoners is one of the darkest chapters of modern history. But those incidences did not influence the Commission's investigation and subsequent recommendations. What the Commission has examined and taken testimony about, pursuant to the direction from Congress, is how the United States dealt with American citizens and residents.

The other part of this history is the impact of these events on Americans of Japanese descent. The damage done by this country to its own citizens and residents is a mosaic made up of thousands of lives and thousands of personal histories. The Commission's hearing record is replete with searing and painful testimony. There is the economic loss of farms and homes sold in distress circumstances, of elderly people having to start from scratch a second time after the war, of families detained in camps without employment and unable to meet tax and mortgage and insurance payments; of education and careers disrupted. An analysis of the economic losses suffered as a consequence of the exclusion and detention was performed for the Commission. It is estimated that, as a result of the exclusion and detention, in 1945 dollars the ethnic Japanese lost between $108 and $164 million in income and between $41 and $206 million in property for which no compensation was made after the war under the terms of the Japanese-American Evacuation Claims Act. Adjusting these figures to account for inflation alone, the total losses of income and property fall between $810 million and $2 billion in 1983 dollars. It has not been possible to calculate the effects upon human capital of lost education, job training and the like.

Over time and with perseverance material losses may be repaired, but the hidden scars of lives damaged by the exclusion and detention remain. Each individual excluded from the West Coast to spend two and a half years behind barbed wire carries his own marks from that time. For people who knew their innocence and the injustice of their treatment the burden was not light. They bore the stigma of having been branded potentially disloyal, the deprivation of liberty and the loss of the common decencies of daily life. An essential foundation of our government -- the citizens' trust that the government will deal with him individually and fairly -- was deeply damaged. The injuries inflicted by the country on these citizens were different in kind from the suffering and loss which the Second World War brought to all Americans.

In Hawaii, we did things differently. Despite the Pearl Harbor attack, there was no exclusion or detention of any significant number of Japanese Americans. Calmer minds with a better sense of justice prevailed and today neither the material nor the intangible injuries of the Japanese Americans on the mainland remain to haunt us in Hawaii. We also showed more restrained behavior with respect to people of German descent. Despite six months of intense submarine warfare along the Atlantic Coast which destroyed massive amounts of American shipping, we escaped the violent reaction against all things

German which had marked World War I. In both these circumstances, we showed confidence in the principles of our government and they met the test of wartime conditions.

No recommendations which this Commission has made; no statute that Congress may enact, can undo this history. No redress to Japanese Americans can assure that we will not repeat the errors of 1942. What happened after Pearl Harbor is particularly sobering because men of the greatest stature with careers of the most distinguished public service -- Democrat and Republican; conservative and liberal; judges, legislators and cabinet members; the President himself -- were personally involved in a course of action which today we can only find gravely unjust and deeply injurious. The bulwark of our Constitution did not withstand it.

It is well within our power, however, to provide remedies for violations of our own laws and principles. This is one important reason for the several forms of redress which the Commission has recommended. Another is that our nation's ability to honor democratic values even in times of stress depends largely upon our collective memory of lapses from our constitutional commitment to liberty and due process. Nations that forget or ignore injustices are more likely to repeat them.

With regard to American citizens and residents of Japanese descent, the Commission has made five recommendations:

1. The Commission recommends that Congress pass a joint resolution, to be signed by the President, which recognizes

that a grave injustice was done and offers the apologies of the nation for the acts of exclusion, removal and detention.

2. The Commission recommends that the President pardon those who were convicted of violating the statutes imposing a curfew on American citizens on the basis of their ethnicity and requiring the ethnic Japanese to leave designated areas of the West Coast or to report to assembly centers. The Commission further recommends that the Department of Justice review other wartime convictions of the ethnic Japanese and recommend to the President that he pardon those whose offenses were grounded in a refusal to accept treatment that discriminated among citizens on the basis of race or ethnicity. Both recommendations are made without prejudice to cases currently before the courts.

3. The Commission recommends that Congress direct the Executive agencies to which Japanese Americans may apply for the restitution of positions, status or entitlements lost in whole or in part because of acts or events between December 1941 and 1945 to review such applications with liberality, giving full consideration to the historical findings of this Commission. For example, the responsible divisions of the Department of Defense should be instructed to review cases of less than honorable discharge of Japanese Americans from the armed services during World War II over which disputes remain, and the Secretary of Health and Human Services should be directed to instruct the Commissioner of Social Security to review any remaining complaints of inequity in entitlements due to the wartime detention.

4. The Commission recommends that Congress demonstrate official recognition of the injustice done to American citizens of Japanese ancestry and Japanese resident aliens during the Second World War, and that it recognize the nation's need to make redress for these events, by appropriating monies to establish a special foundation.

The Commissioners all believe a fund for educational and humanitarian purposes related to the wartime events is appropriate, and all agree that no fund would be sufficient to make whole again the lives damaged by the exclusion and detention. The Commissioners agree that such a fund appropriately addresses an injustice suffered by an entire ethnic group, as distinguished from individual deprivations.

Such a fund should sponsor research and public educational activities so that the events which were the subject of this inquiry will be remembered, and so that the causes and circumstances of this and similar events may be illustrated and understood. A nation which wishes to remain just to its citizens must not forget its lapses. The recommended foundation might appropriately fund comparative studies of similar civil liberties abuses or of the effect upon particular groups of racial prejudice embodied by government action in times of national stress; for example, the fund's public educational activity might include preparing and distributing the Commission's findings about these events to textbooks publishers, educators and libraries.

5. The Commissioners, with the exception of Congressman Lungren, recommend that Congress establish a fund which will provide personal redress to those who were excluded, as well as serve the purposes set out in Recommendation 4. Appropriations of $1.5 billion should be made to the fund over a reasonable period to be determined by Congress. This fund should be used, first, to provide a one-time per capita compensatory payment of $20,000 to each of the approximately 60,000 surviving persons excluded from their places of residence pursuant to Executive Order 9066. The burden should be on the government to locate survivors, without requiring any application for payment, and payments should be made to the oldest survivors first. After per capita payments, the remainder of the fund should be used for the public educational purposes discussed in Recommendation 4 as well as for the general welfare of the Japanese American community. This should be accomplished by grants for purposes such as aid to the elderly and scholarships for education, weighing, where appropriate, the effect of the exclusion and detention on the descendants of those who were detained. Individual payments in compensation for loss or damage should not be made.

The fund should be administered by a board, the majority of whose members are Americans of Japanese descent appointed by the President and confirmed by the Senate. The compensation of members of the Board should be limited to their expenses and per diem payments at accepted governmental rates.

The fundamental justification for these recommendations can be found in the history which the Commission reported in Personal Justice Denied. A few basic points deserve emphasis in summation. Congress directed the Commission to review the treatment of American citizens and residents by the American government. The Commissioners deplore the methods and the record of Japan's armed forces during World War II; but it must be kept clearly in mind that the American citizens who were sent to Manzanar or Poston were no more responsible for Pearl Harbor and the Bataan Death March than German Americans were for the invasion of France or the bombing of Britain. The American principle that a person is judged as an individual and not by the native country of his grandparents must not be allowed to become a casualty of war.

A free act of apology to those who were unjustly excluded and detained during the war is an important act of national healing. If we are unwilling as a nation to apologize for these events, we will deliver a message to the thousands of loyal Americans who were held in the camps that will be bitter indeed. We will be affirming after forty years that the American values of due process and equality before the law without regard to ethnicity or race are only rhetorical values and that in times of stress small minorities should harbor no hope that those principles will protect them from the fear and anger of their neighbors or the heavy hand of their government. Such a result is a threat to the liberty of all Americans.

In addressing monetary payments, two points must be borne in mind. First, the Commission was asked to recommend appropriate remedies; not simply ordinary and usual remedies. For events as unusual and extraordinary as these one can only expect an extraordinary response. Nevertheless, it must be clearly remembered that measures of this sort have been enacted in the past. The Indian Claims Act of 1946, which allowed the Indian tribes to present their historical claims of illegal or inequitable treatment by government, is the most obvious precedent. Very substantial monetary payments have been made to the Indians under that statute.

Second, the justification for monetary payments need not rest solely on an argument as to whether the initial acts of 1942 were totally unjustified. One need only look at the last eighteen months of exclusion and detention. By the middle of 1943 there was no conceivable threat of attack on the West Coast from Japan. Fifteen months of incarceration had provided ample time to identify spies and saboteurs if there were any of significance. Secretary Stimson and Mr. McCloy had concluded that there were no military reasons justifying the exclusion of the loyal from the West Coast. Nevertheless, the Japanese Americans were not allowed to go home until the end of 1944 and most of them spent those eighteen months behind barbed wire. It's hard to imagine circumstances more clearly justifying compensation from the government.

Senator **Stevens**. We will now go to the second panel of the Japanese-American Citizens League. I understand that Dr. Sonoda is here. Is that correct?

Are any other members of your panel here—Mr. Takei, or Ms. Mary Oda?

Dr. Sonoda, are you here?

Dr. **Sonoda**. Yes.

Senator **Stevens**. Would you like to testify at this time?

Are you prepared to make a statement?

Dr. **Sonoda**. Yes.

TESTIMONY OF KIYOSHI SONODA, D.D.S., OF THE JAPANESE-AMERICAN CITIZENS LEAGUE [JACL], ACCOMPANIED BY GEORGE TAKEI OF THE JAPANESE-AMERICAN CITIZENS LEAGUE, AND MARY ODA, M.D.

Dr. **Sonoda**. Thank you, Senator Stevens, for allowing me the time to testify today.

I am a dentist. I practice here in Los Angeles. I graduated from the University of Southern California. I was in practice a little over a year when evacuation came. War broke out in December, and in February I went to volunteer for the Dental Corps, but the Southern District Medical Officer called my draft board and told them not to send any more Japanese-Americans up there because it was not good for the morale.

Senator **Stevens**. I have to tell you with great respect, you look younger than I am.

Dr. **Sonoda**. Well, I try not to get old. In fact on the agenda I noticed—I didn't think the evacuation affected me that much—but they've got me down as "Ms." It didn't affect me that much.

Going on, I was given a deferment and then along about that time, I remember some of my friends were being separated from the Army with the mere "Convenience of the Government" as the reason for discharge. I don't believe that has ever been corrected to an honorable discharge for these people.

Then going on, my younger brother—I guess this evacuation kind of spilled over into other areas also—my brother was a coast artillery man in San Francisco, and having been in the Army over a year, he was almost due to be discharged on that first draft call that they had in 1940, I believe it was, but here he had been in the Service that long, and yet he became a suspect all of a sudden and they transferred him over to Fort Riley, KS. Then on the day that President Roosevelt made a tour of the Post, all the Japanese-Americans were locked up in a motor pool at 5:30 in the morning. So here are men that are willing to shed their blood and lose their lives for the country and all of a sudden became suspects and locked up.

Also going on, my older brother was a narcotics agent for the Treasury Department. He was forced to turn in all his guns and cameras and all his equipment, and he had to get a permit from the Provost Marshal to transfer on a Government job from San Francisco to Baltimore, MD. It seems a little absurd that those things have happened.

My oldest sister was married and living in Hawaii. The rest of our family, my mother and father, my married sister and her husband and another sister and myself, we chose to voluntarily evacuate. We were told to leave by March 28. My father really wanted to go to Colorado and farm, but my sister was expecting in 2 weeks and we were unable to travel that distance, and my father said this was no time to separate. So the pharmacist that worked for my brother—my brother had a store although he was working for the Government, he did have a store that he had other people operate for him—the pharmacist that worked for him was from Fresno—Parlier—which was on the east side of Highway 99, and that was declared a "free zone" so we went up there, believing that we were going to be safe for the duration. Then about 4 months later we were uprooted again and sent to Gila River Relocation Camp.

It seems to me that the military are used to handling able-bodied people, and there must have been a better way to handle the evacuation situation because there were no provisions for the aged or the infirmed or infants.

I recall one incident of a needless death of an infant right in my arms. The train had arrived from the Tulare Assembly Center which took about 20 some odd hours, and other than the temperature in Los Angeles, the rest of the trip was all in excess of 100 degrees, and the poor infant was totally dehydrated. The doctor said that if we could keep him on fluids for the night and hold him through the night, we would have it made but the infant died. Some of those things it seems to me could have been avoided if better provisions were made.

On arrival at camp it was very disheartening. We arrived in camp and between the barracks we had this fire break, and they had a cloudburst and all our duffel bags and what not are out there in that mud and there was no protection at all. What little belongings we had were mostly ruined.

The other thing that seems quite odd is my sister lived in Hawaii, and while I was sitting in camp doing nothing much of anything, she suggested that she had friends that had connections with the Palama Settlement Dental Clinic in Honolulu, so she arranged and had gotten me a job there. But at that time the only way I could get to Hawaii was by military transport, and I would have to sign a contract with the military that I was only going for the duration, and the time that I was living there would not count for the 3 years residency requirement to qualify for the Hawaiian Board. So I gave up the idea, but, to think that here I am a security risk in the mainland, but 2,000 miles closer to the enemy, I am not a security risk—it is a little hard to believe.

Finally a dentist that was practicing in Gardena, and for some reason he got sent to Manzanar, and all his friends were in Gila, and he wanted to come down to Gila but we had too many dentists—well, I don't think it was a case of too many dentists—there was insufficient equipment and facilities. They told him you can come but you won't be able to work in the clinic. So he used to come around every day and look around and so then I felt that well, I could leave without feeling that I am abandoning any people in the community. So, I left for Colorado with my parents to the original farm that my folks wanted to go to.

So another friend of mine, and myself, we took the State Board—Licensing Board—in Colorado. Somehow we were told that we didn't make it. We went to find out why we didn't qualify and they said, well, we don't have grades, we just ballot. So there wasn't much we could do about it.

Later on I saw in the American Dental Association Journal about a job in Detroit, so I went to Detroit and I went to this Children's Fund at Detroit, MI. The gentleman in charge there said, oh, yes, we needed a dentist and this and that, and toward the end of the conversation the question was, "Are you Chinese?" I said, "No, I'm Japanese-American." So he was sorry, he said that his funds relied on community support so he couldn't hire me because it might affect the fund raising. I later found out he wasn't being truthful because the Children's Fund of Michigan was funded by Senator Cozzens who had made his money in the Ford Motor Co., and he had set up this fund giving the community 25 years to develop medical and dental and nursing care.

Anyway then, I was able to get a job with the city of Detroit Welfare Department for $75 a week, but I finally had to take the State Board there, and so I had to get my credentials from USC, but this time they would not cooperate, would not send the credentials, so I had to finally rely on the War Relocation Authority to intervene.

The evacuation was not something that was of national knowledge evidently, because many of the people that worked with me said why can't you get your family to get the information. I said, well, there is no family left there, that we were all citizens and were all removed, and they were shocked to think that the citizens were removed also.

So I finally thought I was settled. I was working for the Welfare Department and I had a part-time practice so I thought, well, finally I'm settled down. Then all of a sudden the war had ended and the Procurement and Assignment Board that had determined the distribution of manpower had gone out of existence, so suddenly a person that was not good for the morale was eligible for the Army and I was drafted. Then I was returned to California.

Well, this uprooting, I will concede, because there were many other young Americans that had to be drafted and their lives were uprooted, but my first two, I feel, were unnecessary.

Presently in my community activity, I am president of the board of directors of Little Tokyo Towers which is a federally subsidized housing project in Little Tokyo, and we have 300 units but there is never a vacancy. We have a waiting list of in excess of 500, and I am sure that the demand for this type of thing would not have been if many people had not suffered the effects of the evacuation.

So I ask that the committee—there is no way that we can be paid for the mental sufferings and all that, that we have gone through, but it seems that the American system of justice is some compensation for wrong-doing, and I think that with some sort of a redress, the Constitution will mean something more than just a mere scrap of paper that could be utilized in any way that they wish.

So, I am asking that the committee recommend some sort of a monetary compensation. The amount I am sure will not begin to be paid, but it would be a little comfort like a salve or ointment during the healing period.

Thank you.

Senator **Stevens**. Thank you very much, Doctor, I appreciate it. Mr. Takei?

Mr. **Takei**. Thank you very much, Senator Stevens. My name is George Takei, and I appreciate this opportunity to testify before you and your subcommittee.

I must say quite frankly that I was too young at the time that the evacuation and incarceration happened, to really understand that experience, but I do have very vivid and still today, very real memories of that experience.

I remember the barbed wire fence. I remember high guard towers. I remember the chaos and confusion that surrounded the three moves that we had to make. First to the horse stables of Santa Anita, and then to the swamps of lower Arkansas, and then finally to the desert of Tule Lake, CA. It was an experience—physical experience—that I still remember very vividly.

One of the most vivid memories that I have of that is waking up one night and hearing and seeing parents in a hushed conversation at the far end of the room, and my mother was crying. That was not an infrequent experience, and for a child waking up in the middle of the night to see your mother crying, and to see your father always looking very, very worried, is one that embeds itself very deeply in ones memory.

These are the very real memories that I have, and I can't help but feel that it is these memories that affected my early growing up period. My father, when we first came out of camp, worked as a dishwasher in China Town, when he had a fine business—cleaning business—before we started. That too, affected how I saw that experience.

That made us all, I think, youngsters who grew up with that incarceration experience, feel somewhat degraded, that we weren't equal to the other children that we were in school with. So inevitably when at the beginning of each school term when a teacher would take roll, and mispronounce my Japanese surname, I didn't correct that because I felt that she was right. At that time I assumed that mispronunciation, thinking that made me that much less Japanese.

There was one teacher I recall very vividly who use to call me "that little Jap boy" casually. I remember that sting each time she called me that, but I didn't respond, I didn't complain because I felt somehow, that I wasn't in a position to complain. This, too, was an effect of that incarceration period.

We have come a long way from that time. I would like to think that we live in a different America today. We talk about the tradition and the heritage of America, but in fact our heritage as Japanese-Americans, is the loss of freedom and liberty, that tradition that we talk so glowingly about as the heritage of all Americans.

I am very concerned about redeeming for all Americans that heritage. We pledge allegiance to the flag at ceremonial occasions, and we say we pledge allegiance to that one nation under God, indivisible with liberty and justice for all.

I think it is very important that we give meaning to that. Certainly the Japanese-Americans were the ones that most personally suffered the loss, and that loss, and the pain of that period. But I think in a larger sense, there has been great damage inflicted to the fundamental ideals of this country.

I think that America today is strong enough and confident enough to recognize that there was great damage done, and I think it affirms that in the findings of the committee created by Congress.

I think America today is honest enough to say that damage was done, and I would like to think that it is honorable enough to make proper redress for that damage. But in that larger sense, I think we as Americans, of whatever ancestry, redeem that pledge to those ideals that faltered when I was a boy. We must give that flesh and blood reality to the ideals that we hold so dear, but we have discovered is so fragile.

I think that the passage and the adoption of S. 2116 will be the sternest reminder to all of us that what happened to the Japanese-Americans 40 years ago, will never again happen to any other group of Americans.

I think the adoption of S. 2116 will redeem the integrity of what we stand for as Americans.

Senator **STEVENS**. Thank you very much.

Dr. Oda.

Dr. **ODA**. Mr. Stevens and members of the subcommittee, my name is Dr. Mary Oda. I am a physician and surgeon, a medical doctor, in the city of San Fernando.

I am here as a witness to provide firsthand information about the effects of the evacuation, and also the evacuation which was a result of the denial of our constitutional rights. Also the hope that justice will be granted to us now, 40 years later.

Also, I come with the hope that this black blotch in the history of our country will be erased by your subcommittee.

At the base of the Statue of Liberty, there is a statement that reads, "Give me your tired, your poor, your huddled masses yearning to feel free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door."

Executive Order 9066 had rendered 110,000 Japanese and Japanese-Americans, the tired, the poor, the huddled masses, yearning to feel free.

Justice Goldberg stated that these were indeed concentration camps that we went to, but he said that they were not the death camps of Nazi Germany, however, in my own family, it was a death camp. I lost three members of my family. Three years after the evacuation my father died, my sister and my brother. My sister was 26 years old, my father was 68, my brother was 30. They all died because of the evacuation.

My brother was a black belt in Judo, and he was a dentist. He was practicing in Gardena, and because he was told that he could move to the interior and he would be free of evacuation, he went to Del Rey and he was there for several months. Again, he had to move out of there and went to a different camp.

My sister developed asthma in camp, and she continued to wheeze until she died. My father had a nasal allergy and he developed nose and throat cancer. Also 3 years after the evacuation. So within the 7-month period, my brother and my sister and my father, died.

I think my brother's death was probably brought on by the fact that he had volunteered—the day after Pearl Harbor he had volunteered for the Army, and he was told that they did not accept Japanese dentists, the Army didn't need them. I think that rebuff hurt him very deeply because he was an all-American boy although he had Oriental features. He was a black belt in Judo, he was a Boy Scout who had won the highest honor, the Gold Palm. He was also an assistant scoutmaster. So he was as incensed as all the other Americans about the attack on Pearl Harbor and that's why he volunteered. But he was rejected and he was rejected again when he went to camp and was told that the Army didn't need any dentists. Much the same as what Dr. Sonoda testified.

I think this hurt my brother very deeply, because I think he felt like a red-blooded American.

My sister's death, I think, was brought on by the desert winds. She developed the asthma in camp and my father developed nose and throat cancer.

So for my family it was a devastating experience, and my youngest sister had a complete total nervous breakdown. She had left camp earlier to go to the University of Utah as a student. When she was a student she had to put herself through school and she got a straight "A" report card after one semester, and a complete nervous breakdown. She was put into the Utah State Hospital and there the superintendent told me that he couldn't treat her because she was a State of California resident, so it took several months for her to get the necessary treatment because he said that I would have to pay $100 a month for her care. Well, at the time my father was earning $12 a month working as a farm laborer in camp; my mother was a kitchen helper and she was also earning $12. My brother, the dentist, was earning $19. There was no way that they could come up with $100 a month for her care.

So, I went many, many times to the War Relocation Authority and finally the money must have come from California, and as soon as she got her first insulin shot treatment, she recovered.

My older brother—my second older brother—was also a dental student, and he was sent to the city jail because he stayed behind in Los Angeles. He wanted to move out with his classmates. He was there for 3 days, he was placed in the line up every morning like a common criminal. He was picked up by the military police and finally he was sent to the Santa Anita assembly center. It took him 5 years to complete that 1 year in dental school. In the meantime he was drafted and he was admitted to the University of Minnesota, but he was drafted out of the dental school and the whole thing took him 5 years when he finally finished his dental school education.

First of all, they separated every member of our family. My third brother was a medical student at Marquette University in Wisconsin, and he was the only one that was safe because he was in the interior, but he told me that he was followed by FBI agents also.

When my brother tried to get the free education that his classmates got, they told him that he was 4-C—enemy alien—and he wasn't eligible for all the free education that his fellow classmates got. He and one other medical student who was a 4-F because he had pneumatic heart disease, were the only two in his class that were not supported by the Government in their education. But my brother was more fortunate in that my parents were forced to put an adequate amount of money in his bank account to complete his 4 years of medical school. He didn't suffer.

For myself, since I was a first year student, I had to leave medical school. My class graduated 2 years ahead of me, and I had no money for completing my education. So my mother cashed in her life insurance and I got $1,000 which saw me through 1 more year of medical school.

So, financially, the whole thing was at a very devastating effect mentally and physically on my whole family.

Now, as I practice medicine among Japanese people, and also others, I have noticed that there is a very high incidence of coronary artery disease, a very high incidence of hypertension among my Japanese patients. I feel that this is a result of the incarceration in the late teens of many young people. The average age of those who went to camp was about 18. I was 21. I think this affected us physically. It made our lives much more stressful because we lost our financial and economic base.

My father had a very flourishing farm going, and I think today if he had to replace that farm, it would cost him close to a million dollars. We had a very good farm business which we lost completely.

So the financial effects, I think, were probably the underlying basis for many of the emotional and physical effects of the evacuation.

In addition to the hypertension and heart disease, for example, I had a patient in my practice who was one of three brothers who have already had bypass surgery, and three have coronary artery disease. We were all three teenagers in camp. Because of the stress, losing the financial base and also the difficulty of completing their education, it was so much more stressful for these people and that's why they have coronary artery disease today.

Also there has been more mental illness, too. I have in my practice a family of three brothers, all three are psychotic. They were all in their early teens and children in camp. The day after I testified for the Commission hearings in Los Angeles, the psychiatrist for these three called me up and he said that their illness was caused by the evacuation. He said that he had never seen three schizophrenics in one family, and it was all because of the evacuation that this was happening.

I told him, why don't you write to the Commission and tell them this. He said, no, he said we need more sociological data. What you've got to do is go to a mental hospital and find the Japanese surnames and be able to show that there are more Japanese of surnames relatively speaking, than there are others—ethnic groups.

I don't think he quite realized that most of the mentally ill are kept at home in the Japanese culture. We don't put them in mental hospitals.

And for the same reason that he made house calls every week on these three psychotic brothers, you are not going to find that many Japanese surnames in the mental hospitals.

Now, another thing that was brought out at the hearing and which I think most people are not aware of, was that there were 150 tubercular patients who were placed in the Hillcrest Sanitarium, and of that 150, 50 died in a 3-year period. They all died of tuberculous, and the reason was that they were neglected totally. They didn't receive proper medical care. Two of those were my patients—there were two sisters in Hillcrest—and she told me how she took care of her sister, there were no nurses around to take care of these sick people. There was a doctor who saw only a few of the 150 patients once a week, so these 150 were just neglected, and the food was so poor, it was inedible.

So my patient had only a mild case of TB, so when she left, her sister died 1 month later. But the total number who died was 30 percent, and that is an astounding figure for tuberculous, even before the new drug.

I think in summary I will have to say that the evacuation had a pronounced profound effect on all of us, and not only the physical illness, but the emotional effects which Mr. Takei touched upon.

I also want to mention the fact that there is a very high incidence of cancer among the evacuees also. I had three girlfriends in camp who would come to visit me, all three died of cancer. One died in her twenty's, the other died in her thirty's and the other died in her forty's. This is very unusual to see such young deaths from cancer. I think it was the stress of the evacuation that caused this. Also psychologically I think it was a demeaning experience for us; it made me, for instance, feel very worthless and it had a physical effect on myself also because my brother who was in camp, developed hypertension and I also had that to deal with. I think it was brought on by the experiences in camp, of having to adjust to life afterward.

I never told my children about camp because I felt ashamed of what had happened to me. One day my daughter who is a lawyer said, "Mom, were you in camp during the war?" I said, "Yes, how did you know?" I never told them myself. I felt so shameful, I felt guilty that I just wasn't worthy of being an American. I didn't want to pass this on to my daughter. So she said, "Mama, why didn't you protest," and I told her, "Well, in those days it wasn't the common thing to do, today it is. but not in my day. We always obeyed authority, we obeyed our parents."

If we had protested, I might have just stopped a bullet and I might not be here today to testify in front of you.

Thank you.

Senator STEVENS. Thank you.

I thank all of you very much. I appreciate your time.

[The prepared statements of Dr. Kiyoshi Sonoda, George Takei, and Dr. Mary Oda follow:]

TESTIMONY OF DR. KIYOSHI SONODA

Presented to

U.S. Senate Governmental Affairs Subcommittee
on
Civil Service, Post Office and General Services
August 16, 1984

Mr. Chairman:

My name is Kiyoshi Sonoda. I am 67 years old and a dentist in Los Angeles. I am also President of the Board of Directors of Little Tokyo Towers, a senior citizens housing project here in Los Angeles, although I come here today to speak primarily of my own personal camp experience.

Following graduation from the University of Southern California, School of Dentistry, I established a Los Angeles practice in September 1940. The war broke out in December 1941 and in February 1942 I volunteered to serve in the United States Army Dental Corps. I was told by the draft board that no Japanese Americans were being accepted because they were "bad for morale." As a result, I was given a deferment.

At about the same time, some Japanese Americans already in military service were discharged, not honorably but "for the convenience of the government." To this day, their status has not been corrected in their military records. I urge the Subcommittee and the Congress to take steps so that these records can be changed to reflect honorable discharges.

While the focus of this Subcommittee is on the wartime relocation of civilians, I must point out that Japanese American members of the U.S. armed forces were relocated too. In early 1942, my younger brother was serving with the U.S. Army's coast artillery, in the San Francisco Bay Area, when he was moved to Fort Leavenworth then later to Fort Riley, Kansas. One day, when President Roosevelt visited Fort Riley, my brother and other Japanese Americans were locked up in a motor pool. Think about it: men serving this country, willing to shed blood and even lose their lives, were viewed as a threat.

But the absurdity does not end there. Even employees of the federal government were relocated. My older brother is a pharmacist who in 1942 was a narcotics agent for the Bureau of Narcotics, which was part of the U. S. Treasury Department. He was asked to turn in his gun, and was moved from the West Coast to Baltimore, Maryland. In order to leave for Baltimore, he had to obtain a travel permit from the Provost Marshal of the Western Defense Command.

My oldest sister had married in 1935 and was living in Hawaii. My mother and father, my other two sisters and their husbands, and I remained in Los Angeles. In March 1942 we were given the choice of relocating immediately under the so-called "voluntary" relocation plan or staying in our homes until the involuntary evacuation of Japanese Americans in our area. Our family chose to leave immediately. We went first to the "free zone" near Fresno, California -- an area which we were led to believe would be untouched by a mandatory relocation. In the free zone we were forced to live in small chicken coops and a feed house. Shortly after our arrival, an 8:00 p.m. curfew was imposed. The chicken coop was to be our home for four months.

I had been in dental practice for only a year and a half and had to store all of the equipment. Without my dental equipment and unsure of how long we would be in any one place, I tried farm labor. But I was not accustomed to the rigors of such labor and so when it looked as if we might be in the area for a while, I set up a small office in Parlier, California. In order to move my equipment to Parlier, I had to pay for what had not yet been fully paid for.

On August 4, 1942, despite earlier assurances that we would be allowed to stay in the free zone, we were relocated a second time, to Gila River, Arizona. Very early in the morning we were gathered to board trains that would take us to that isolated place. The ride was to take about twenty-four hours, in temperatures over 100 degrees. Much of the twenty-four hours was spent sitting on railroad sidings, waiting for the passage of the freight trains, which had priority over our trains.

When we arrived, our belongings -- now our only worldly possessions -- were unloaded before we were. They had been carelessly dumped between several barracks and left there unprotected. By the time we disembarked, a rainstorm had drenched and ruined much of what we still had left.

I cannot remember being fed anything on the train. I do recall that when I had been at Gila for a short time, I was assisting they physicians in checking in new arrivals. I remember that one trainload of people arrived late at night from the Santa Anita Assembly Center after twenty hours on a train crossing the hot, dusty desert. Their facilities were not completed and there were open trenches all around. The evacuees were hungry when they arrived but were given only an apple and boiled egg to eat.

Military personnel were in charge of transporting us -- armed MP's who were accustomed to dealing only with able-bodied men. They had no understanding of the special needs of the aged, the infirm, the women and the children. There were doctors in the camps but no provisions for medical care were made during transport. If a doctor happened to be one of the evacuees, we were lucky. If a doctor wasn't aboard the train, the consequences could be serious. One day, when I had been at Gila for a while, a train arrived after traveling for over twenty hours in the sweltering heat. Among its passengers was a small infant who, by the time he arrived, was suffering from exposure. I held the child as the physicians administered fluids to the desperately dehydrated child. Suddenly I felt his leg twitch and his body went limp as he died in my arms. I will always vividly recall this incident.

At Gila, I and other dentists were supposed to provide dental care. There was no equipment. We had to make our own dental chairs from whatever wood was available. Some dentists had brought their own instruments and small portable equipment. But it just was not enough. After several months we finally got four dental chairs. Plus our handmade chairs that still gave us only six chairs for over 20,000 people. The better supplies were not available, we never had gold and had to rely solely on inferior metals. During my entire stay at Gila, only very minimal dental care could be provided.

While I was in camp, my sister in Hawaii learned of an opportunity for a dentist to work in a clinic in the Palama Settlement in the Islands. Why was I more of a security risk in California than in Hawaii, which is several thousand miles closer to Japan? The residency requirement for a Hawaii dental license was three years, but I learned that no matter how long I worked there, my work would not be credited towards receiving a license to practice in Hawaii. For those reasons I decided not to go to Hawaii.

After ten months in Gila, I left the camp to go to a friend's farm in Colorado. In doing so, I made room for another dentist who had been separated from his family because there had been enough dentists already in Gila.

As we were not yet allowed to return to the coast, I took the Colorado Dentist Board Examination in 1943. I, along with another Japanese American dentist, failed the examination. When we inquired about why we failed, the Board informed us that no grades were recorded because grading had been done by ballot. We learned through other sources that no Japanese Americans would be allowed to pass the examination during the war. Having no place to go, my friend was forced to return to the camp. I stayed on in Colorado.

A few months later I saw an advertisement for a dentist at the Children's Fund of Michigan. The job was open until the interviewer learned I was a Japanese American rather than Chinese. He said he would lose their public funding if he hired me. I found out this was not true and that Senator Cozzens, who had made money in Ford Motor Company, started the fund with millions of his own dollars.

Still unable to return to the coast, in October 1943, I finally found a job with the Department of Charities in Detroit, Michigan. I worked in the child-adult clinic, six hours a day for $75 a week. I was hired with an agreement that I would take the next Michigan Dental Board in June 1944. The USC Dental School did not cooperate in forwarding my credentials to the Michigan Board, and I had to enlist the aid of the War Relocation Authority. Michigan was the only state in which I had been treated fairly, and I was granted my license in June, 1944.

I continued to practice in Detroit until 1946, when I was drafted in the Army. I was a post dentist at the Presidio in Monterey, California. The day of my discharge, September 28, 1948, was the day my father died. He was 60 when he had first entered the camp and lost all his property. When he was released from camp, he was too tired and too old to start all over again. I am certain that the concentration camp was a factor in his heart condition and relatively early death at 66.

Upon my discharge I returned to Los Angeles with my wife and infant daughter, to live with my widowed mother. I opened an office in West Los Angeles, where I still practice, in 1949 -- nine long years after graduating from dental school.

From my own experience and as President of the Little Tokyo Towers Board of Directors, I know all too well the suffering endured by those still living, especially among the elderly. The Little Tokyo Towers has approximately 300 apartment units, with a current waiting list of over 500 people over the age of 62. These people have no place to go. I am convinced that were it not for the extensive property losses suffered by Japanese Americans due to the relocation, the need for housing now would not be so acute.

The Congress must find some way to redress the wrong which was committed in 1942. The losses in property, physical and mental health, and educational and business opportunities cannot be adequately assessed. The outrageous loss of freedom and dignity can never be adequately measured -- the losses are just too great. But some form of monetary compensation must be granted.

The Congress must approve monetary compensation, irrespective of the current economic difficulties of this country. The Congress must see that the fact of America's concentration camps will not be forgotten by the American people, by requiring that it be taught in schools, and through whatever other means possible. Finally, the Congress must find a way to ensure that the U. S. Constitution will never again be so twisted and abused. If the Congress can accomplish these things, it will have served the principles of this nation well.

Thank you.

TESTIMONY OF MR. GEORGE TAKEI

Submitted to

U.S. SENATE SUBCOMMITTEE

CIVIL SERVICE, POST OFFICE, & GENERAL SERVICES

I am George Takei and I come before you to testify on the evaucation and incarceration of American citizens of Japanese ancestry as one who lived through that experience as a child, and in all candor, I must say that I was really too young to understand what I had lived through.

I was too young to understand, but I do remember the barbed wire fence from which my parents warned me to stay away. I remember the sight of high guard towers. I remember soldiers carrying rifles, and I remember being afraid.

I could not understand, but I can recall the chaos and confusion surrounding the three moves that we had to make, first to the horse stables of Santa Anita Race Track, then to the swamps of lower Arkansas, and finally to the desert of Tule Lake, California.

I remember women weeping as our bundles were piled onto trucks. I remember armed guards herding us about, and I remember the fear that I felt.

I could not understand, but I remember waking up in the middle of some nights and hearing my parents and a few of their friends in hushed discussions; sometimes my mother would be crying and my father always seemed deeply worried.

I was too young to understand what they were talking about, but I remember the tension and the anxiety.

I lived through those years of incarceration, too young to know the anguish that my parents and other internees had been enduring. Their suffering and their loss was something I came to understand only after the fact.

But my childhood memories of the fear, anxiety and tension are vivid and very real. After the war my growing understanding of those events, combined with my memories, produced in me a strange and gnawing sense of shame about my years spent behind barbed wire.

Indeed, I felt an uneasy sense of shame about being Japanese. On the first days of school when the teacher taking roll would inevitably mispronounce my Japanese name, I would not correct that mispronunciation. Instead, I myself assumed that mispronunciation, thinking that that made me that much less Japanese.

There was a teacher I remember who would casually refer to me as "that Jap boy." I remember the sting each time she called me that, but I bit my tongue and I didn't complain.

The shadow cast by the camp experience reached far into the post-war period of my boyhood and stayed in my head a long, long time.

In school we were taught glowingly of the tradition of

America, the heritage of individual dignity and liberty.

For us, however, our American heritage is, in fact, the loss of freedom and liberty. Ours is a story of indignity and incarceration. Ours is a case of the failure of the American ideals. Because of this history those ideas of individual dignity and freedom are that much more precious to me.

We appreciate the value of our American ideas as few Americans today can.

I have come to understand that as noble and as precious as our American ideals are, they can also be very fragile. Democracy can only be as good or as strong or as true as the people who make it so.

It is my belief that America today is strong enough and confident enough to recognize a grievous failure. I believe that it is honest enough to acknowledge that damage was done. And I would like to think that it is honorable enough to provide proper restitution for the injury done.

For in a larger sense, injury was done to those very ideals that we hold as fundamental to the American system. We, all of us as Americans, must strive to redeem those precepts that faltered years ago when I was a boy.

And in that role as an Americans, I urge restitution for the incarceration of American citizens of Japanese ancestry. I urge the United States Congress to adopt S.2116 as proper restitution. And in so doing, would move to strengthen the integrity of America.

TESTIMONY OF DR. MARY ODA

Presented to

U.S. Senate Governmental Affairs Subcommittee
on
Civil Service, Post Office and General Services

August 16, 1984

My name is Mary Sakaguchi Oda. I live in North Hollywood, California, and I am a Physician and Surgeon, a M.D.

Pre-evacuation: I lived with my family just behind the house where I now live, in a 4 bedroom house on 2½ acres of an apricot orchard owned by my family. We also owned 15 acres of farmland in the Valley which was rented to another Japanese family. My family farmed 30 acres on leased land, 10 acres adjacent to our home and 20 acres about 2 miles away. In 1941, I had graduated UCLA and entered the University of California School of Medicine. At the time evacuation was announced, I was almost finished with the first year in Medical School, and in order to get full credit for the year, was given special oral exams by my professors. Since we were allowed to bring only what we could carry, I brought only a small suitcase and my microscope. I was mentally prepared for camp because shortly before the announced evacuation, five of my classmates and I pleaded with Robert Gordon Sproul, then the Chancellor of the University, to allow university students to remain in school instead of being forced to go. Dr. Sproul gave us no hope, saying that no exceptions were to be made, and the university could no nothing.

My family, in the meantime, was given about two weeks to sell all the farm equipment, including the Fordson tractor just newly purchased for about $1,200 dollars, and a Caterpillar tractor with all the accessory equipment, three horses and mules, three trucks, one 4-door passenger car, and three sport coupes. In our backyard we had a 500 gallon gas tank and pump because of the large amount of fuel consumed by all the vehicles. My father was unable to sell the farm equipment except for the tractors, so they were left behind. Our crops were sold for $1,100 dollars, the tractors for $200 dollars. The buyer of the crops rented the house but never forwarded the rent knowing he could not be evicted. Our farm was rented also, but again, rent was never paid for the three years we were away. Household goods were stored in a small storage building. When my family returned, everything was gone except my piano music. My oldest brother took the Dodge truck to Fresno where a former neighbor, a Caucasian, used the truck and returned it to us three years later. The 4-door Plymouth was left with a dentist friend, who on our return three years later, flatly told my family he had sold it. To have the kind of farm business my family owned at the time of evacuation would, in today's inflated dollar economy, cost half a million dollars.

My family consisted of 4 boys, 3 girls and our parents. The eldest brother was a practicing dentist in Gardena, having just graduated USC Dental School in 1941. The second was a third year dental student at USC; the third a second year medical student in Milwaukee. My older sister was a UCLA graduate, helping on the farm and working part-time on the local paper, the Kashu Mainichi. Then came myself and younger sister, a sophomore at UCLA, and a younger brother in the 10th grade.

My reaction to the order to evacuate was one of numbness --I couldn't feel anything, no rage nor anger. Prior to that order, our movements were restricted by the curfew laws. We had to be off the streets by 7 p.m. I could not study in the library with my classmate, but the curfew prepared me for the complete and total restrictions of camp life later.

My family's losses were considerable. My father was far-sighted enough to record our immediate losses, which added up to over $10,000. I, personally, lost two years in Medicine as my fellow classmates graduated two years before I. My third year dental student brother was less fortunate. Between the draft and camp, he lost 5 years. When he was drafted as a private in the U.S. Army, he was greeted by his USC Dental student classmate who was a Captain in the Dental Corps. Neither my Medical student brother nor Dental student brother was given the free education their fellow classmates received. My brothers were both classified as 4-C--enemy aliens.

My family became separated by the evacuation and we never again lived as a family. My oldest brother volunteered for the U.S. Army immediately after Pearl Harbor but was turned down. He was told that the U.S. Army did not need any Japanese

American dentists. When it was announced that Area III in the interior would not be evacuated, he moved his practice from Gardena to Del Rey in central California. When Area III was evacuated, he was sent to the Gila River Camp. My dental student brother stubbornly remained in his room for one week, was picked up by the FBI and sat in the County Jail for 3 days. He was released from jail and taken by two military policemen to the nearest Assembly Center in Santa Anita. Third brother was in the second year at Marquette Medical School. That left my parents, three girls and a younger brother. After living in a comfortable 4-bedroom house, the cramped 8-cot room was stifling. We shared the room with an elderly couple in their 80's, a Christian minister and his elderly wife. The room had no inner wall, but open studs exposing 2x4's and the floor was wooden with ½ inch gaps between the planks where you could see the earth below and through which the winds blew up layers of sand and dust everywhere. We slept on straw which we stuffed into bags--this was our first chore upon arrival into camp. There was no other furniture. Later my little brother made makeshift chairs and a table from a pile of scrap lumber. Several months later linoleum was laid down, cutting down the thickness of the dust that settled after the winds blew, which was often. The bathroom was communal with no partitions between the toilet seats which numbered about a dozen. The shower was also communal. There was a total lack of privacy for such basic intimate functions.

We left for camp at a bus stop in Burbank on a gray, cloudy day and just before we got on the bus it began to rain. A mother of two, standing next to me, said: "See, even God in heaven is crying for us". At the time I felt numb and bewildered by what was happening, but today, when I remember this, the tears come readily. The trip was long; the landscape barren and desolate. My first reaction to camp was one of dismay and disbelief. A medical school classmate had told me enviously that the newspapers had reported that we were to be placed in comfortable homes. Our new home looked exactly like a prison camp--the barbed wire, watch towers, military police with guns you all know about.

In camp every able bodied person was expected to work. I got a job paying $16 dollars a month working in a hospital, doing history and physicals, drawing blood samples, following the doctors on rounds. While working in the hospital, I was witness to the death of an innocent bystander, a teenage boy, who was one of the crowd shot at by the soldiers in the watchtower. He was the third victim, died in spite of intravenous sodium sufadiazine. Had it not been for the surgical skills of Dr. Goto, several others also would have died who were shot at. There were 10 injured. I developed severe palpitations, my pulse racing at 110-120 a minute. It took many years for me to realize that this was a psychosomatic reaction to the submerged anger and frustration I felt at being forced to leave school, my home, and having my family divided. On the surface I was not aware of these feelings because there were

10,000 others in the same boat.

The emotional toll taken on my family was considerable. My younger sister suffered a nervous breakdown and was hospitalized in a mental institution for 5 months. The physical toll was even greater. My older sister developed bronchial asthma in camp, a reaction to the terrible dust storms and winds. The asthma became intractable and she died at the age of 26. My oldest brother, the dentist, had consumed a quart of milk daily most of his young life. In Camp, adults were not allowed to have milk, only children under 5. He ate the pickled vegetables and rice daily, the dried fruit preserved with sulfur and developed intestinal obstruction. Because by this time there were no competent surgeons left in camp, he was shipped to the Los Angeles County General Hospital, where he died after surgery. He had developed cancer of the stomach at age 30, 3 years after the evacuation. My father, too, was sensitive to the winds and dust, developed constant nasal irritation and died of nose and throat cancer. All three had entered the camps in good health died within 7 months of each other, 3 years after evacuation. Their deaths could be attributed to the stresses of the disruption in their lives, the extremely poor diet, exposure to the terrible winds and dust in camp. Ten years later, I saw identical diet given to retarded children in the State Hospital for the mentally retarded. The cost then was 13¢ per patient per day. My father's loss of the fruits of 45 years of toil in this country, the psychological effects of forced imprisonment had taken their toll on all three. In spite of this, before he died he said he did not regret coming to this country because in no way could he have sent 7 children through the University, 5 through medical and dental schools, in his native Japan.

Speaking of early, untimely deaths, I have observed in my medical practice an extremely high incidence of high blood pressure, heart disease, and cancer among the survivors of camps. Life expectancy seems to be shortened by 10 to 15 years among us Japanese Americans. One-third of my small circle of friends and peers are dead. A high percentage of World War II veterans are dead, many died in their late 40's and early 50's. Of medical schoolmates - all physicians who survived the camps - 2 out of 12 are dead and one has survived a stroke.

Camp life further fragmented our family life. We could no longer eat together, share meals or talk to each other. We each had our separate jobs, separate friends. We were resigned to life in camp and to make the best of it. When I heard that students would be allowed to leave, I wrote to all 96 medical schools in the country except 5 on the west coast. I received replies from several which stated they could not consider my application because they had military installations on their campus. The implication of my return address, Manzanar, was that I was a potential spy or saboteur. I was finally accepted into the Women's Medical College of PA. which, being all female, did not have military installations on their campus. My mother cashed in her life insurance policy to pay for my tuition, room and board for one year, the sum of $1,000.

On the question pertaining to the loyalty oath, all my family wrote yes/yes. There is a Japanese saying, "umi-no-oya yori mo sodate no oya" meaning, your adoptive parents are your real parents. America was the country of my parents' adoption and therefore was our family's country. All my three living brothers served in the Armed Forces. My oldest brother volunteered to serve immediately after Pearl Harbor but was rebuffed and again volunteered from camp but was turned down. My husband was among the first 14 who volunteered from Manzanar as a special group destined to become the linguists so vital for America's final victory. One bigot on a TV show asked, "If you were so badly treated, why did you volunteer to fight for this country?". My answer is: our situation was analagous to that of battered children. We were the battered children of this country who in spite of unspeakable treatment by their parents, still love their motherland and fatherland and still strive to please them. Why? Because they know no other parents.

Post evacuation: The ones who suffered the most after the war was over were our parents. My father, when dying, said he was going back to North Hollywood to farm again. Had he lived, he couldn't possibly have started over again at age 68. With my father's and oldest brother's deaths, and the other members of my family being unable to support my mother, she went to work as a farm laborer. What money we received for the sale of farm equipment, crops, prior to the evacuation was spent in camp on necessities over the 3 years. Her salary was $12.00 a month working as a nurse's aide on the TB ward. So, after living in this country for 34 years, raising 7 children, my former school teacher mother who taught school in Japan for 7 years before coming to this country, was working on a farm doing stoop labor. She carried the ashes of my father, brother and sister with her for several years. When she received the government's token compensation for the family's losses, the $1,800 dollars paid for the gravestone under which the three are now buried.

The most difficult problem for me to overcome as a result of the evacuation was the anger and bitterness which has gradually surfaced over the past 39 years. When the photographs of camp were shown at the Pasadena Art Museum some years ago, I burst into tears and could not stop the tears from flowing. All the pent up emotion held back for so many years was released. The numbness of the evacuation was finally lifted. Because of the humiliation and shame, I could never tell my four children of my true feelings about that event in 1942--I did not want my children to feel the burden of shame and feeling of rejection by their fellow Americans. I wanted them to feel that in spite of what was done to us, this was still the best place in the world to live.

The evacuation, coming as it did when I had become of legal age, was the most traumatic experience of my life. It made me realize first hand that democracy can be an illusion and "constitutional rights" a meaningless phrase. Until the Commission was established, I had justifiable doubts about the integrity of government in this greatest country on this earth. I had lost faith 39 years ago, suffered hardship of an emotional and physical nature because of evacuation. I had lost my support, part of my family--father, brother and sister. Perhaps the worst part of it was the realization of the indifference of many fellow Americans toward the humiliation and shame of the experience we suffered, the utter lack of compassion and understanding. There are some bigoted individuals who liken our incarceration in the prison-like atmosphere of the camps, to a fun-filled summer camp. They also say that we were there for our protection. If so, why were the guns pointed towards us rather than away from us?

The only way the government can right this wrong is by monetary compensation. We served as hostages in this country when the tides of war were against us; we were imprisoned without trial. No amount of compensation can repay us for the shame and humiliation, the lost lives, the lost time. Without monetary payment in reparations, this investigation is without meaning. Only monetary compensation may serve as a deterrent in preventing a repetition of the same error in the future against another ethnic group.

The treatment we received makes a hollow mockery of the noble inscription at the based of the Statue of Liberty - "Give me your tired, your poor, your huddled masses - yearning to be free - the wretched refuse of your teeming shores, then these the homeless temptress tossed to me, I lift my lamp beside the Golden Door." Executive Order 9066 had made 110,000 Japanese Americans the "tired, the poor, the huddled masses yearning to be free - the wretched refuse of our teeming shores." The Senate Sub-Committee must lift its lamp beside the Golden Door.

Senator **STEVENS**. We now have another panel, Mrs. Kizu, Mr. Nakagawa, Mr. Mas Fukai, and Mr. Vern Ocono.

TESTIMONY OF VERN OCONO, THE NATIONAL COALITION FOR REDRESS AND REPARATION PANEL, ACCOMPANIED BY JUNE KIZU, COCHAIR FOR THE LOS ANGELES REGIONAL; GORDON NAKAGAWA, ASSISTANT PROFESSOR OF CAL STATE UNIVERSITY, NORTHRIDGE; AND MAS FUKAI, CITY COUNCILMAN FROM THE CITY OF GARDENA

Mr. **OCONO**. My name is Vern Ocono.

On behalf of the National Coalition for Redress and Reparation, and the large Japanese-American community, we wish to thank you and your staff for your efforts in organizing these hearings in southern California.

You and your staff are to be commended for your interest in promoting a just and fair airing of views on S. 2116.

I would like to introduce the following members of the National Coalition for Redress and Reparation.

From my right, Mrs. June Kizu, who is a cochair for the Los Angeles regional; Gordon Nakagawa, assistant professor at Cal State University, Northridge; and, Mas Fukai, our city councilman from the city of Gardena, the largest concentration of Japanese-Americans in the continental United States.

Senator **STEVENS**. Thank you very much.

Ms. **KIZU**. I am June Kizu on behalf of the National Coalition of Redress and Reparation.

The National Coalition of Redress and Reparation [NCRR] is a grass roots coalition made up of individuals and organizations from throughout the Nation.

We are an organization composed of former evacuees and their descendants, as well as Americans of all races and background. Our membership and endorsement ranges from the ACLU to the Southern Christian Leadership Conference to the 3 million members of the Lutheran Church in America.

We came together 5 years ago to educate, organize and develop communitywide effort to win reparations for more than 120,000 Japanese-Americans who were incarcerated in internment camps during World War II.

NCRR's principles are based upon our community's strong desire for justice. Our convictions are verified by a wealth of historical and government documents. Our beliefs are founded in the democratic ideals of this country.

The signing of Executive Order 9066 in 1942, set into motion a multitude of traumatic events which violated constitutional and human rights. The experiences of internment were exemplified; some of these transgressions guaranteed under the Bill of Rights.

The first amendment guarantees freedom of speech and of association, an interning report. Censorship was the rule. Nothing was permitted to go into the papers that did not meet with central management approval. Discussion of the international situation. War news. National news. Even home town news and politics was taboo.

The fourth amendment prohibits unreasonable searches and seizures by the Federal Government. Romano Fujino testified that on January 1942, seven FBI men arrived in Salinas. They showed up at my door and messed up everything in the house. They took a box full of silk handkerchiefs and scarfs. They were just so cruel, they even watched me when I went to the bathroom.

The fifth amendment guarantees due process of law. The right to be formally charged, and then the right to present a defense before liberty can be taken away. An evacuee recalls. The FBI came and took every male Japanese alien in town. They came in very suddenly and many of the men were taken right off the field so they had no chance to say goodbye to their families.

The sixth amendment guarantees the right to public and speedy trial. Henry Murakami states the FBI came and began to arrest every male in Terminal Island who had a fisherman's license. I was taken to the Immigration Building in San Pedro and on that very same night, shipped to Fort Lincoln, ND.

The eighth amendment prohibits cruel and unusual punishment. Halis Noheda testified. At the time of my birth, my mother's physician in camp performed a tubal ligation on her. She never gave her consent and was totally unaware of this until 10 years ago when she was examined by her internist for colon cancer.

There are 120,000 individual experiences. Clearly the redress and reparation campaign confronts the basic foundations of this country. This is an American issue; a moral issue.

Of course we seek monetary reparation for the 3½ years out of our lives. Communities devastated. Property loss. Families separated. Lives lost. Individual life disrupted. The trauma and indignity suffered.

How did this extraordinary event occur? In 1981, the Commission on Wartime Relocation and Internment of Civilians, the CWRIC, reported that Executive Order 9066 was not justified by military necessity, and the broad historical causes which shaped these decisions, were race prejudice, war hysteria and the failure of political leadership.

Prior to 1942, a long history of discrimination against Asian-Americans was manifested in over 500 pieces of legislation which included the statute to prohibit the naturalization of Japanese immigrants.

This resident alien status barred the first generation Issei from buying land and participating as citizens until the passage of the Walter McCarran Act of 1952.

The second generation Nisei were natural-born American citizens. The population of Japanese-Americans increased along with their economic strength in the States of Washington, Oregon, and especially California.

We are certain that economic greed became another motive for mass evacuation.

What will the U.S. Government do about this travesty of justice? NCRR commends the courageous recommendations of the CWRIC and we want to make clear our support for the historic bill before us today, S. 2116.

NCRR recommends, however, that the restitution amount to individuals be a minimum of $25,000. This figure was determined by nationwide community surveys and petitions. It is a symbolic amount which represents a tangible meaningful apology to the evacuees. It is more than justified by the documented calculated losses.

NCRR recommends payments be given to heirs of deceased evacuees. As many as 120,000 lives were affected, and these are the numbers that must be dealt with in terms of compensation.

To restrict justice to the survivors implies a cruel waiting game, letting old age and death become the dominant factor.

Japanese-Americans of all generations are still affected by the evacuation experience.

Also in respect to the Aleuts as included in S. 2116, NCRR recommends reparations that are on parity with the Japanese-Americans.

The passage of S. 2116 would be a landmark advancing the cause of justice, not only for Japanese-Americans, but for all who aspire to the principals upon which this country was founded. It would make an impact so that such violations do not occur again. As Kanshi Yamashita stated in the CWRIC hearing, unless concrete measures are taken in the form of definitive restitution, what has transpired in the past will only be an echo. A thought to the conscience of the United States. A glossing over of gross injustice upon a group by a Nation which proclaims democracy as a way of life throughout the world.

Senator **Stevens**. Thank you very much.

Mr. Nakagawa.

Mr. **Nakagawa**. Yes. My name is Gordon Nakagawa and I am here representing the legislative committee for NCRR.

Thank you for this opportunity to speak, Mr. Chairman.

The question of economical losses must be understood not only in terms of the extraordinary financial loss, with conservative estimates ranging up to $6.2 billion as reported by the Commission.

The losses must be assessed also in terms of the stigma placed on those subjected to exclusion and incarceration. The disruption of Issei and Nisei careers in education. The flagrant violation of constitutional rights. The tragic and senseless loss of life exacted by killings, suicides, and the deaths of unborn and stillborn infants in the camps. The physical and psychological disabilities that have been revisited upon the Nikkei for the past 40 years, and remain today for many Issei and Nisei as a constant and agonizing reminder of their days of internment.

Finally, the legacy of economic dislocation and loss which has bequeathed a fragmenting of the Nikkei community, an erosion of the traditional family unit and contrary to the myth of the Japanese-American success stories, an ongoing struggle for economic gain, opportunity, and in many cases simple survival.

At this point I would like to sketch briefly an historical overview of the Japanese-American community as a developing, economic, social, and political institute from prewar days through the evacuation and internment period and to the present day in order to try to demonstrate the contemporary relevance of the economic impact on the Japanese-American families and community.

I would like to set the context first by condensing and summarizing the prewar years. The years leading up to World War II must be understood in light of a long standing history of anti-Asian sentiment and discriminatory laws, which by 1940 prohibited Japanese from further immigration, citizenship, or even owning land.

Nevertheless, by 1940, the Japanese-American had achieved a measure, but all too temporary a degree of success.

For example, the 6,118 farms operated by the Japanese as owners or tenants, were valued at $72.6 million with an estimated $6 million worth of equipment in use. Agriculture accounted for almost two-thirds of Nikkei jobs and Japanese farmers were expected to provide 30 to 40 percent of the State's truck farm crops in 1942.

What accounts for this measured success in the face of rampant anti-Japanese hostility and discriminatory laws? The answer lies essentially in the necessity for Japanese-Americans to build an economic self-sustaining community. Ironically, in the best spirit and tradition of the American ideal of self-sufficiency.

Since the majority population frequently avoided or resisted contact with members of the Nikkei community, Japanese-Americans turned to their families and to networks of community organizations—for example, credit associations—for economic support. For their part, family members including mothers and any offspring old enough to work, frequently would toil long hours at stoop labor, or would serve as unpaid employees in ma and pa shops, business or produce distributing centers. Thus the traditional Japanese commitment to family and community resulted in high yields, even though profits were inevitably slim and low cost while contributing substantially to a national economy that was only just recovering from the depression.

Through years of diligence, hard work, careful savings and investment, and much personal sacrifice, the Issei were beginning to realize economic gains by 1941.

I will turn at this point more directly to the evacuation and internment period.

The extent of the total losses may never be determined, but again the CWRIC has established the $6.2 billion figure in 1983 dollars as a realistic estimate.

The difficulty in assessing total losses is due largely to lost or destroyed financial records. By the time that the question of compensation for losses was raised following the end of World War II. The Internal Revenue Service had already destroyed most of the 1939 to 1942 income tax returns of the evacuees. The most comprehensive set of Federal financial records.

Moreover, because Nikkei evacuees could only take to camp what they carried, it would be unreasonable to expect that emotion-charged men and women would have chosen to pack books and records instead of the food, the medicines and the clothing which they took with them to war relocation centers.

At this point in the testimony I exemplify the problems associated with this policy of rapid evacuation. The highlight indicates the Terminal Islanders who were given all of 48 hours to dispose of a lifetime's worth of possessions and property.

The rest of the Japanese-American community was perhaps somewhat more fortunate. They were notified all of the generous 7 to 10 days in advance of the evacuation. Within a week's time

Nikkei families had no choice but to sell their homes, businesses, property and worldly goods at distress sale prices to profiteers, or to abandon their possessions to carpet-bagging exploiters who stole or commandeered what had taken decades to acquire.

Moreover, since many Issei male heads of households had been arrested immediately following the events of Pearl Harbor, the task of disposing of property and attending to financial matters frequently fell to inexperienced Nisei sons or to already over-burdened mothers, whose primary responsibility was the bathing, feeding, and clothing of her children. The consequence was an emotional trauma and disruption of the family unit that in many cases was irreparable.

The loss of real property and income, in agricultural, fishing, small business, and domestic settings. The traumatizing effect of the evacuation and internment on individual families and the entire Nikkei community. The wrongful deaths, injuries, and ailments all entail losses that—and I quote the Commission here—"that involve demonstrably greater hardship anxiety and loss than other Americans suffered."

As such, in spite and because of the incalculability of these irreparable losses, substantive monetary reparations are imperative.

Finally I turn to the postwar period to the present.

Many Issei and their families left camps impoverished, having lost whatever possessions and capital they might have accrued before the exclusion. More often than not they were forced to start from scratch, beginning once more their by now somewhat jaded pursuit of the American dream. By this time with virtually no money or resources whatever, even less than what they brought with them when they first arrived in America. Finding themselves on welfare rolls and depending upon their Nisei children for support, was often a reason for shame. Roughly tantamount to the humiliation of the internment itself.

The absence of many Issei male heads of households during the wartime years forced the Nisei sons and daughters to assume financial responsibility and leadership roles in the families, and with their advanced age, the possibility for the Issei's employment and return to leadership status in the family was also minimized.

Intimately tied to this breakdown into stable family unit, was a fragmenting of the economic solidarity that had begun to emerge prior to World War II. Because of the geographical dispersion of the Issei and Nisei, and because there were no family businesses, farms, or communities to which they could return, the Nisei's movement into the general U.S. work force, is best understood, not as a matter of choice, but of an economic necessity fueled directly by the internment.

The traditional prewar Japanese community, just beginning to be cohesive as a viable, economic, and political entities in 1941, was all but destroyed by the War Relocation Authority's policy of relocation and dispersion. The cost to the Nikkei, not only in terms of material security, but in relation to ethnic self-identity and mutual support among Japanese-Americans, is immeasurable.

Now, the portrayal of the Nikkei community as a "model minority," only serves to conceal ongoing, long-term effects of the economic dislocation generated by evacuation and internment. Many Issei and Nisei who have never fully recovered from their camp experience, currently continue to suffer, not only from economic disadvantage—a full 20 percent of the Issei are living on incomes below the poverty level. But also from a litany of physical ailments ranging from allergies to hypertension to nervous disorders, all whose origins can be traced back to the camp years.

Moreover, there exists strong evidence that in virtually all segments of the Japanese-American community, including the Sansei, the third generation, instances of a psychiatric pathologies can be both directly and indirectly related to the aftermath of the internments.

That there are contemporary precedents, nationally, regionally, and locally, for redress of material losses and of flagrant violations of rights, cannot be denied. At the national level CWRIC Commissioner, Father Robert F. Drynan, has argued that there are at least two separate instances which parallel the Japanese-American community struggle for redress and reparation.

First, on September 30, 1978, the American-Indian Commission settled more than 500 claims leading to a total of $800 million in awards. What is significant there is that several of these awards resulted from 1976 of 371 treaties made by the United States with Indian tribes, calling for the removal and relocation.

Second, in December 1980, the United States Government paid $10,000 to each of 1,318 antiwar demonstrators who were incarcerated wrongfully, for a weekend.

Directly germane to a Japanese-American redress and reparation, are the States, counties, and municipalities that have passed bills and ordinances offering apologies and authorizing monetary payments to former internees.

First of all, in 1982, the State of California passed into law a bill providing for $5,000 each to 314 Japanese-American State employees who were fired from their jobs in 1942.

Second, in 1983, the city of San Francisco authorized a bill giving 16 former Japanese-American employees of the city, $1,250 for every year they were interned during World War II.

Third, in 1983, the Los Angeles County undertook a compensation plan for Nisei employees, allocating $1,250 per year for each employee.

County Supervisor Kenneth Hahn has remarked, "To be sure that $1250 is hardly enough to compensate those who were victimized by the financial and emotional cost of this experience, but it is an important symbol to all Americans."

Additionally, Alameda County, CA, Seattle, WA, and the city of Los Angeles have all instituted legislative mandated programs compensating former Nikkei employees who were interned during World War II.

Now, while precedents do not inherently constitute a justification or rationale for redress and reprarations on a national scale, they do articulate explicitly and implicitly, a fundamental claim, namely, that the events of 1942 are not merely shadows of a dim past, only darkly remembered, or forgotten.

The evacuation and internment period is not being raised as a specter to haunt the conscious of America. These events have been raised to public consciousness and discourse, not to blacken America's proud history, but to illuminate it, to highlight what has remained hidden and silent for four decades.

I would like to conclude on a somewhat more personal note.

I teach speech communication at a State University here in California, and one element that are disciplined and emphasized, is the power of language, of words. Many of us in my discipline maintain that words have substance and material consequences.

I believe that at no time was this made more apparent than in 1942 in the words of Executive Order 9066, and in the words of the many exclusion orders that were posted up and down the coast, words that read in part, instructions to all persons of Japanese ancestry. These are words that had substance, and devastating material consequences in the economic dislocation of individuals, in the disrupting of the Japanese-American family unit, and fragmenting Japanese-American communities.

We ask now, in the name of justice, that the words of a formal apology likewise be afforded the kind of substance, material, consequence and life that we found so tragically taken away from us, from the words of the Executive order and the exclusion orders.

We would argue that it is only through individual and community monetary reparations that the otherwise hollow words of an apology, will have substance and meaning in allowing the Nikkei community to recover and to reclaim our heritage as individuals, as families and as a community.

Thank you.

Senator STEVENS. Thank you very much.

Mr. Fukai?

Mr. FUKAI. Mr. Chairman, my name is Mas Fukai and I am a city councilman of the city of Gardena, a city of 47,000 people. It has been stated it is the city with the largest concentration of American-Japanese ancestry per capita in the continental United States.

I am also the assistant chief deputy district supervisor to Kenneth Hahn, the senior member of the Los Angeles County Board of Supervisors.

I was born and raised in the very city which I have represented as a councilman for the past 10 years. The very city that I was forced to leave by the Government in 1942 because of my race.

I had the opportunity to testify before the Commission on August 4, 1981, here in Los Angeles, along with many other citizens. I was very pleased with the conclusion of the Commission's findings which are now again being discussed by this very important subcommittee.

It was my hope that the Commission's conclusions, the Senate and the House, were to act quickly to resolve the injustices that were done some 42 years ago.

I say this because with each day of delay, we are losing many of our brothers and sisters who were deprived of their dignity. Even in today's paper, I see six names in the Japanese News Media obituary, who have passed on.

I believe that this issue should be one of the highest priorities of our Representatives in Washington, DC.

I want to thank Congressman Dymally for giving me the opportunity to testify before you today. I feel compelled to seek and to show my appreciation to him, and the many volunteers who have spent many hours bringing this very important issue before the American public.

We, as older Japanese-Americans, have been criticized in the past by our young people. Why we never fought or spoke up on this unforgivable action.

It is a credit to the Japanese-American community who had to bite their tongue and ignore the mass prejudice and hostility which spread throughout postwar American society. That they were able to painfully swallow their pride, to fight for and to work for, the betterment of themselves and this country.

Although it is not an easy task, I welcome this opportunity to speak up. This hearing is a national significance that will impact on all Americans, not just those of Japanese ancestry. If it happened to us, it can happen to anyone—the Germans, the Irish, the Italians, the Catholic, the Jews, the English, the Hispanic, or Protestants. It could happen today and in fact it could happen to any number in Congress now.

First, let me say that the Fukai family experience does not differ from the other 120,000 Japanese-Americans that were forced to leave their homes. We were relocated to Tulare Fairgrounds Assembly Center, and after a 3-month detention there, we were permanently relocated to Gila River Concentration Camp in Arizona. I lived in block 72, barrack 12, unit C, for nearly 3 years and confined behind barbed wire fences.

We were American citizens; we were forced to leave the West Coast and put into concentration camps and 3 years later we were forced to leave with no where to go. It had a great impact on everyone. My wife was also a U.S. citizen, and her family were evacuated to Arkansas via the Santa Anita race track. They received a telegram, supposedly from Japan, that her family was being called back to Japan during the war, and the American Government had no other choice but to send them back.

Upon reaching there, to their surprise, they discovered that their family had been exchanged for the return of another family back to the United States. Her father was killed by the atomic bomb in Hiroshima. Her mother and family were 20 miles from the atomic bomb site.

I am led to believe that this is not an isolated case. It is certainly an area that this panel should investigate.

Second, the Japanese-Americans were sent to camps for no reason. My brother volunteered for the service in 1943 from camp. I was drafted by the Army in 1945. Yet, while we were both serving our country, our family was being forcibly detained by the same country for which we were fighting.

Finally, my parents had a dream. Their dream to pave the way for a good life for their children. They taught me when I was very young, that I had a responsibility to get a good education. However, it was difficult, to go to school in barrack classrooms and uncertified teachers. My future was uncertain. Unknown threats constantly loomed over me, and even the ability to stay in my own country, the country of my birth, was unsure.

Because of the opportunities taken away when we returned from camp and the service, the only work that we could find was servant-type labor as gardeners, houseboys, busboys, janitors, dishwashers, and so forth. Mom worked in a fish cannery on Terminal Island until she was in her 70's, to help provide. My father was unable to work.

Perhaps the thing that affects me most as a result of the ordeal is that I believe my father and my mother died, very sad, and unfulfilled, feeling that their dream had not really come true. Their chance to achieve their dream and goals had been crushed by unconstitutional and illegal actions of the U.S. Government.

This cruel action of forcibly removing us from our homes, and by the overreaction and paranoid inhuman creation of detention camps. In 1955 my father, feeling he was a failure and a burden on his children, died of a broken heart.

All this leads to the reason that we are all here today. One reason this hearing is important is that there has always been and there always remains today, even in 1984, an undercurrent of discrimination in America. In the recent Olympic Games, a young Olympic Gold Medalist from South Dakota on television, in front of the world, referred to the Japanese as Japs. The anti-Jap mood is still here.

I believe with this issue, it is time to fight it head on. Good will come from redress and reparation. It will give the young Olympic Gold Medalist, and the American public, a chance to become better educated in regards to Americans of Japanese ancestry.

In my testimony to the Commission, I felt confident that when looking at the facts, the truth will prevail and the results will be a fair and just decision. I feel just as confident in speaking to this panel.

Those years in camp set Americans of Japanese ancestry back at least 20 years. Is the Government now to turn its back to the plea of these people? Is the Government now to penalize these same people for their hard work and inner-fortitude by shrugging off the issue of compensation and reparation as unnecessary or belated?

We must remember, the issue is the treatment and humiliation of Americans of Japanese ancestry, not the people who come from Japan. Your decision will be a sign to all Americans as to how the Government feels about its citizens.

I do not believe a piece of paper saying "I am sorry," is enough.

I want to bring to your attention the prevailing stereotype that all Americans of Japanese ancestry, are successful and affluent. This is a myth. We have many people working today, 10 to 14 hours a day. Many hold two jobs. Both parents working, and many older Niseis who hold jobs are being forced to retire with very little income. Many senior citizens are in convalescent homes. The majority are dependent on their children. For many the difference between success and failure in life was the 3 years in the detention camps.

The U.S. Government owes the Americans of Japanese ancestry compensation for lost opportunity, for lost property, lost security, and lost self-esteem. But most of all, the Government owes compensation to the loss of regard to the principal of the equal justice under law for all people upon which this country was founded.

I thank you very much for the opportunity to appear.

Senator STEVENS. Thank you very much.

I appreciate the appearance of the National Coalition at these hearings.

[The prepared statement of Mr. Ocono, Ms. Kizu, and Mr. Nakagawa follows:]

THE MORAL AND MONETARY BASIS FOR REDRESS/REPARATIONS

Racial discrimination in any form and in any degree has no justifiable part whatsoever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experience and as entitled to all the rights and freedoms guaranteed by the Constitution.

Supreme Court Justice, Frank Murphy.[1]

THE LEGISLATIVE COMMITTEE

NATIONAL COALITION FOR REDRESS/REPARATIONS, LOS ANGELES CHAPTER

Lane Hirabayashi, Miya Iwataki, June Kizu, Jim Matsuoka, Bert Nakano, Lilian Nakano, Gerald Sato

SEPTEMBER, 1982

NATIONAL COALITION FOR REDRESS/REPARATIONS
244 South San Pedro Street Room 406
Los Angeles, California 90012 (213) 620-0761
1858 Sutter Street
San Francisco, California 94115 (415) 921-8841

INTRODUCTION

> *Suppose that a war or national emergency arose in the United States. Now suppose that because of your race, national origin, religion, or even beliefs, the U.S. Government decided that you--an American citizen--are an internal enemy. Shortly thereafter, the Government decides that you are subject to removal. You are notified that you have a week to sell all of your belongings and report for evacuation. You must leave your home, your job, your business, and your community. You have no legal recourse, because the Government has not made any formal charges. There is no court hearing. You have no option but to comply.*

This actually happened to over 120,000 Americans of Japanese ancestry during World War Two, of whom more than 70,000 were United States citizens.[2]

The evacuation and imprisonment caused Japanese Americans to suffer severe and immense financial loss and injury to property.[3] Some suffered permanent physical and mental disability, and even death, because of the intolerable conditions imposed upon them. The stigma of incarceration without trial ruined reputations, and broke the spirits of individuals.[4] Traditional institutions of the Japanese American community were attacked and destroyed.[5]

The United States Government has never acknowledged the injustices of this period which its actions inflicted upon Japanese Americans. It has never made any meaningful effort to compensate Japanese Americans for the injuries suffered.[6]

Today, many organizations, groups, and individuals in the Japanese American community are fighting for Redress/Reparations. Redress/Reparations means that monetary compensation must be paid by the U.S. Government to all individuals (or to their heirs) who suffered evacuation and/or incarceration. Redress/Reparations also means that restitution must be made to the Japanese Americans as a group, in the form of a community fund. This report will document the basis for these claims.

Redress/Reparations is an issue for all Americans of good conscience. The evacuation and incarceration were illegal and in violation of the Bill of Rights of the United States Constitution.[7] So long as the incarceration of the Japanese Americans remains unchallenged and unrectified, no American's constitutional rights will be safe should a condition of national crisis or emergency arise in the future.[8]

At his testimony before the C.W.R.I.C.--on November 3, 1981, John J. McCloy, who was Assistant Secretary of War during World War II, said:

Within 90 miles of our shores (there are)...roughly a hundred thousand people, thoroughly trained, thoroughly equipped, well-trained in modern warfare, that are being set up to serve as proxies for the Soviet Union in the various strategic parts of the world. Suppose there was a raid some ten, twenty, thirty years hence of (Florida), wouldn't you be apt to think about moving them (Cuban Americans) if there was a raid there?[9]

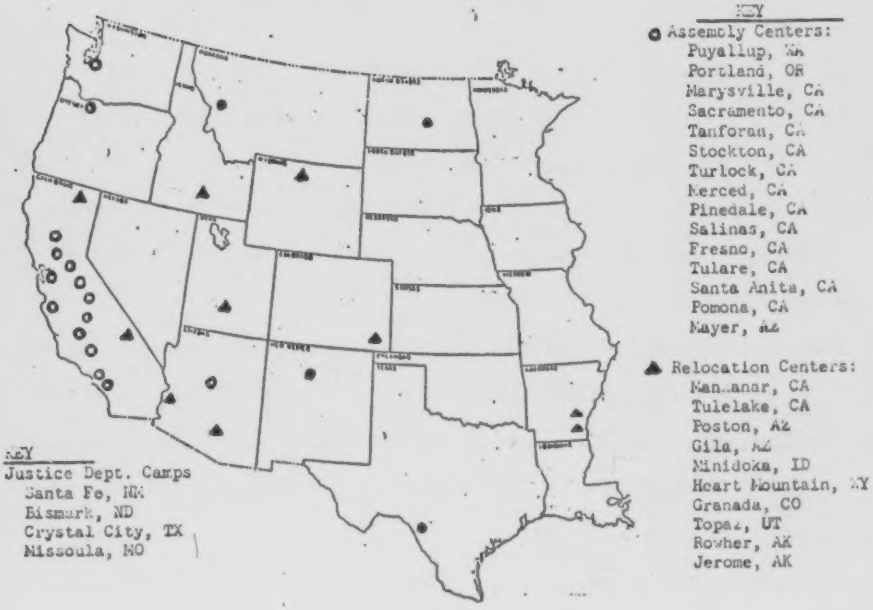
THE CAMPS

The persecution of Japanese Americans by the Federal government began immediately upon the outbreak of the Second World War. Agents of the Federal Bureau of Investigation seized and detained Japanese American resident aliens solely because of their race and national origin. This policy was implemented on the basis of U.S. government officials' belief that these aliens were "subversive" or "dangerous." More objective observers had no cause to believe that this was true, and no Japanese American has ever been proven to have been disloyal or otherwise "dangerous" to the United States during this period.[10]

On February 19, 1942, President Roosevelt issued the Executive Order 9066, which was ratified by Congress in Public Law 503.[11] The Western Defense Command was empowered by this legislation to create military zones, and to order the exclusion of "enemy aliens" from such areas.

By March 14, 1942, an evacuation plan, focusing specifically on persons

ASSEMBLY CENTERS, RELOCATION CENTERS, AND INTERNMENT CAMPS


KEY
○ Assembly Centers:
Puyallup, WA
Portland, OR
Marysville, CA
Sacramento, CA
Tanforan, CA
Stockton, CA
Turlock, CA
Merced, CA
Pinedale, CA
Salinas, CA
Fresno, CA
Tulare, CA
Santa Anita, CA
Pomona, CA
Mayer, AZ
▲ Relocation Centers:
Manzanar, CA
Tulelake, CA
Poston, AZ
Gila, AZ
Minidoka, ID
Heart Mountain, WY
Granada, CO
Topaz, UT
Rowher, AK
Jerome, AK
KEY
Justice Dept. Camps
Santa Fe, NM
Bismark, ND
Crystal City, TX
Missoula, MO

Immediately after the outbreak of the War, the F.B.I. began to round up "suspect enemy aliens," of Japanese ancestry. Many of these persons were later sent to Justice Department internment camps for incarceration.

The "evacuation" proceeded in two stages. First, Japanese Americans living within security areas were removed by the Army to temporary "assembly" centers. This stage was completed by March, 1942.

The second stage involved removal to more permanent concentration camps, and was completed by November 3, 1942.

of Japanese ancestry, was completed. The evacuation process was initiated soon after.[12]

Japanese Americans were first removed from their homes and communities and sent to one of fifteen temporary areas of assembly. These sites were often local race tracks and fair grounds.[13] Many who testified at the C.W.R.I.C. Hearings said they will never be able to forget the stench which greeted them, and the unsanitary conditions of the horse stalls in which they were forced to live.

From the "assembly" centers, Japanese Americans were sent to more permanent camps. These so-called relocation camps were situated in isolated areas in the interior of the United States. There were ten such camps. Each was surrounded by barbed wire, and had guard towers manned by armed military personnel.[14]

Inside the camps, Japanese Americans, along with Japanese from Latin America, were housed in flimsy tar-papered barracks which did not adequately protect them from the climate. Families were crammed into small rooms, and everyone was forced to eat in the confusion of the block mess-hall.[15]

LIFE IN THE CAMPS[16]

The recent Commission hearings revealed, as never before, that life in the concentration camps was marked by humiliation and by the inhumane treatment of persons of Japanese ancestry.

Some felt deeply betrayed by their country.

> *The temperature was about 110 to 120 degrees (in Poston) and there were scorpions and rattlesnakes. Our family lived in one room that was about 16 X 24 feet wide. We were given a bale of hay so that we could stuff our bags to make a mattress for the cots. After a while, the WRA began conducting hearings, asking us...*

> *insulting questions such as: "Are you willing to serve for the U.S. in case an enemy invaded us?", "Are you loyal to the U.S.?" I wrote "no" all the way... They were asking us about our loyalty to this country after revoking our rights and privileges, humiliating us and making us out to be war criminals. This was outrageous!... A brutal action taken against us...loyal citizens... I was so disgusted, I requested deportation to Japan...a country I had never seen before!*[17]

The internees suffered from environmental conditions such as the extreme heat and cold, the dust, the mud. They suffered from the poor quality of the food, and, in some cases, the lack of essential foods like milk and raw vegetables. They also suffered from the poor conditions of camp facilities.

> *Conditions in the Assembly Center were almost fatal to me because of my weakened physical condition, and my allergic reaction to hay was aggravated by having to sleep on a hay-filled mattress, which I had to fill myself. I also suffered severely because of the long wait in the mess line, three times a day, in the unbearable summer sun, when I was recuperating from surgery, pregnant, and caring for two young children. The long six-month stay in the Assembly center, the broiling heat, the suffocating atmosphere of the tar paper covered buildings, and the poorly prepared food provided for us, inedible for most internees, resulted in frequent bouts of food poisoning. In my weakened physical condition I was always the first to succumb and I had to be hospitalized several times in the makeshift hospital of the assembly center. During this time I could not rely on much help from my husband because he was assigned to work details and was taking care of his ailing mother when he could.*[18]

Personal humiliation was frequently reported, due to a loss of privacy and dignity.

> *Camp Life: Our family like many others were evacuated from a very mild climate to a very torrid area called Pinedale, California. We all suffered heat stroke and exhaustion, especially those from Oregon and Washington. The living quarters there were very minimal. Our door had so much space between the boards that we just reached through for our cup, tooth brush, and soap. Sanitation was a disaster with only temporary plumbing; all the excess shower water spilled out into an open area, and the children played in the water. Because of the heat people took more than one shower and it compounded the unsanitary condition.*
>
> *Many families like ours were separated into different barracks. Because of limited space, many of the smaller families had to share one room with others. We were denied any privacy, and only a partial wall separated us from other families. We were restricted from any personal life or discussions. Any family*

> *arguments were heard by the entire barrack. It was a nightly ritual for Mr. Fujimoto to let out an* *onara* *(flautus) before we fell asleep.*[19]

The circumstances of the sudden evacuation and imprisonment, and the climate of hatred that surrounded the Japanese Americans, cause psychological trauma and abberations.

> *In 48 hours we were told to pack up and leave from the place we called home for at least fifty years or more (Terminal Island). This resulted in panic, anxieties, humiliation, frustration, and untold hardships, let alone phenomenal losses in businesses and real properties... What hurt most was the loss of parental guidance in time of such crisis. Because all or most of the fathers...were immediately arrested...either on the 7th of December or a few days later, this created a condition of confusion and uncertainty, tantamount to the unreasonable hysteria as to the future of each family... There were countless families in just this type of predicament...*
>
> *(This happened to the Toyozaki family consisting)...of a mother and four children. To take care of her husband's affairs was just too overwhelming (for the mother)...let alone packing and storing her personal effects. When she heard of this ultimatum (to vacate Terminal Island in forty-eight hours)...she was panic-stricken... With no viable place to move to and at a complete loss as to what to do, she just sat down and cried.*[20]

In some cases there were nervous breakdowns.

Equally serious, there were major health problems. These entailed health difficulties, more permanent damage to physical condition, and, in some cases, death.

> *There were doctors in the camps but no provisions for medical care were made during transport (to Gila River). If a doctor happened to be one of the evacuees, we were lucky. If a doctor wasn't aboard the train, the consequences could be serious. One day, when I had been at Gila...a train arrived after traveling for over twenty-four hours in the sweltering heat. Among its passengers was a small infant who, by the time he arrived, was suffering from exposure. I held the child as the physicians administered fluids to the desperately dehydrated child. Suddenly I felt his leg twitch and his body went limp as he died in my arms. I will always vividly recall this incident.*[21]

> *My youngest daughter, born under such adversity in a horse stable, was only eighteen days old when we were moved to Jerome, Arkansas. She had to make the four-day and four-night trip in a dilapidated coach, amid much filth, and without the facilities to prepare her baby formula, in the stale air of the coach because the windows*

> *and shades were always drawn for security reasons. In the extreme summer heat, and in such adverse conditions, she developed double pneumonia on the train and, upon our arrival at Jerome, she had to be rushed to the still incomplete hospital. Later, at Tule Lake, this sickly child was again made severely ill when she inhaled the tear gas thrown in front of our barracks by the Military Police, when they were trying to quell a disturbance following the imposition of martial law. As a result of these incidents, this child had to weather several crises in her repeated stays in the hospitals at Jerome and Tule Lake.*[22]

In summary, there has never been a complete account of the sufferings of those incarcerated. Individuals, families, and the group as a whole were put under tremendous pressure. The pressure was intensified as, in late January of 1943, the War Department decided to form an all-Nisei combat team. To facilitate the draft and resettlement of internees the Wartime Relocation Administration officials issued an obligatory questionnaire. Two of the most controversial questions were number twenty-seven (on willingness to serve in the Armed Forces) and twenty-eight (on loyalty to the United States.) In effect, the Issei, or first generation, who were never allowed to obtain citizenship in the U.S., were being asked to renounce the only citizenship they had. The Nisei, or the second generation, were being asked to serve the country that had stripped them of their rights as Americans. Insensitive beyond belief, the "resegregation" questionnaire divided families and resulted in beatings and even murder.[23]

And yet, even though their parents, friends, and relatives were behind barbed wire, 13,528 Nisei served in the Armed Forces of the United States during World War Two.[24] The Nisei soldier gave exemplary service, and many died or suffered grievous injury on the battlefield. Members of the famed all-Nisei 442nd Regimental Combat Team were awarded 18,143 individual decorations for valor, thus making the team the most decorated unit for its size and length of service in the history of the United States.[25]

LOSSES INCURRED AS A RESULT OF THE EVACUATION AND IMPRISONMENT OF JAPANESE AMERICANS

The Congressional Bill—HR —specifies that each evacuee or their heir(s) is entitled to a single-payment benefit of $25,000.00. The sum of three billion dollars is also allocated for the creation of a Nikkei Community Fund. What is the basis for this compensation?

To begin with, no amount of monetary reparations can fully compensate for the wrongs committed and the losses sustained. The amount, in this sense, is symbolic.

Actual damage and loss, however, did result from the evacuation and imprisonment. This will be outlined below.

Financial losses were caused by the drastic policy of rapid evacuation and removal. Typically given but seven to ten days notice, evacuees had no choice but to abandon, or sell below cost, their possessions and means of livelihood.[26]

How extensive were such losses? We will probably never know. The "official" estimate of the Wartime Relocation Authority (W.R.A.) Chief of Evacuee Property was that approximately two-hundred million dollars ($200,000,000) worth of real, personal, and commercial property was "left behind."[27] This estimate contains no estimate of non-property losses or damages.

The only published, independent and scholarly, analysis of property and income losses resulted in a total estimate of three-hundred and fifty million dollars ($350,000,000).[28]

> *If this estimate of the total income and property losses of the Japanese Americans were translated into 1981 dollar values, the sum would be over three billion dollars.*[29]

Keeping these general figures in mind, we must never forget the personal experiences of the individuals and families who saw their farms, businesses, homes, and possessions literally stolen from them. The cases below (both part of the official testimony given to the C.W.R.I.C.), suggest some of the personal injury and anguish that Japanese Americans endured and still live with today.

Take for example the experience of Mr. Henry T. Murakami. A resident of Terminal Island, Mr. Murakami was arrested at the outbreak of the war by the F.B.I., and sent to Fort Lincoln, North Dakota.. He was imprisoned without mercy or consideration, and had to leave his pregnant wife and four young children behind, unprotected.

> *I...became a fisherman at Terminal Island... I spent all my savings to buy purse seine nets and by the time World War II had started, I was the owner of three sets of purse seines... These nets...(were worth a combined total of $22,000).*
>
> *...the government issued evacuation notices after I was (arrested). People were given 48 hours to leave. I had four children and a wife who was pregnant at the time...and she couldn't carry anything except clothing... We had a three-bedroom house with a kitchen. My wife had to abandon everything...the furniture and all of our other furnishings, including a 1940 Plymouth...no one ever knew what happened to my property. I tried talking to all of the authorities but no one ever seemed to know.*[30]

Contacted by phone (4/19/1982) Mr. Murakami said that he had never received compensation for his property or household goods.[31]

Another case is that of Mrs. Tetsu Saito, now 81 years old, a widow, and living in a low-income neighborhood of Los Angeles.

> *The Ruth Hotel (which Mrs. Saito's family owned) was a two-story, 37 room, operation. Its pre-War value was estimated at approximately $6,000. At the time of World War II, we had managed to save enough money to pay off the mortgage and own the hotel outright. As the evacuation notice gave our family little time to sell our property, when a Caucasian man offered us $300 we decided to sell for that amount. (In addition, 64 crates of possessions, and six trucks were all lost or stolen).*

> *...after the war, we returned to live in the trailor camps in Lomita...*[32]

Non-property Losses and Damages

Any discussion of losses must include the violation of the constitutional rights of the Japanese American evacuees.

The evacuation of Japanese Americans from the prohibited and restricted zones of the Pacific coast was rationalized in terms of the doctrine of "military necessity." The U.S. Government "forgot", however, that under the Constitution the military has no control over civilians except in a situation where martial law has been declared.[33]

In the case of the Japanese Americans, martial law was never in force. Even members of the U.S. Supreme Court recognized the weakness of the plea of "military necessity."

> *In dealing with matters relating to the prosecution and progress of a war, we must accord great respect and consideration to the judgements of the military authorities who are on the scene and who have full knowledge of the military facts...*
>
> *At the same time, however, it is essential that there be definite limits to military discretion especially where martial law has not been declared. Individuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance or support...*[34]

Unfortunately, the three major branches of the U.S. Government failed to check and balance each other. Each branch was afraid to face the military bureaucrats and question the "internment" decision.[35] Five years after the events, the renown constitutional scholar Edward S. Corwin stated that the evacuation and the imprisonment was "...the most drastic invasion of the rights of citizens by their own government that has thus far occurred in the history of our nation."[36]

What constitutional rights were violated by the wartime events?

Generally, there was a violation of the guarantee of equality under the law, which specifies that citizens shall have protection against unreasonable and discriminatory laws.

> *Today is the first time, so far as I am aware, that we have sustained a substantial restriction of the personal liberty of citizens of the United States based upon the accident of race or ancestry.*
>
> *SUPREME COURT JUSTICE FRANK MURPHY, in his concurring statement to the case, Kiyoshi Hirabayashi versus United States, 1943.*[38]

> *That this forced exclusion was the result in good measure of (the) erroneous assumption of racial guilt rather than bona fide military necessity is evidenced by the Commanding General's Final Report on the evacuation from the Pacific Coast area.*
>
> *SUPREME COURT JUSTICE FRANK MURPHY, in his dissent to the case Toyosaburo Korematsu versus United States, 1943.*[39]

Specifically, many of the guarantees of the Bill of Rights were violated:

the FOURTH AMENDMENT, which prohibits unreasonable searches and seizures by the Federal government:

> *One morning three FBI agents came to our house and they proceeded to tear the house upside down in the search for incriminating evidence. We did not have anything of contraband nature in the house. I had the only thing which the FBI took. It was a hunting knife I had used as a Boy Scout in my younger days and I had not even given it a thought.*[40]

the FIFTH AMENDMENT, which guarantees the due process of law--that is, the right to be formally charged, and the right to present a defense, before liberty can be taken away.

> *The FBI did not come into town again until February [1942] and this time they took after every male Japanese alien in town. They came in very suddently and many of the Japanese men were taken right off of the fields so that they had no chance to go say good-bye to their families...*
>
> *It was at this time that my own dad was picked up too... My family still doesn't have any idea why Dad was interned even to this day. None of the family saw him again until March of this year [1944] and I haven't seen him since he was taken by the FBI men two years ago. I felt quite bitter and resentful at this whole procedure because I didn't think my father was guilty of anything. Our family was too poor to give much money to Japan anyway.*[41]

the SIXTH AMENDMENT, which guarantees the right to a public and speedy trial:

> *I was at school when my father was interned. When I came home I had a funny feeling because I heard my mother crying. I realized immediately that Dad had been taken at last. He was put into a jail two blocks away and we were allowed to go visit him... The FBI officers went through all of our things at home but they did not find anything that showed evidence that my father had done any sabotage work or anything like that. The only reason why they did take him was that he was on the Board of Directors of a Japanese language school.*
>
> *Dad was suddenly transferred to [a near-by internment] center and we went to visit him about 3 times a week...*
>
> *The next thing we knew Dad was suddenly shifted to [a distant] internment camp. He was not able to join the family until July, 1943. I missed my father a great deal since I was pretty close to him. I kept hoping that he would be returned soon but I was doomed to disappointment. I was convinced that he had not done anything bad.*[42]

the EIGHTH AMENDMENT, which prohibits cruel and unusual punishment:

> *The tragic part of this evacuation was what it did to my father, who at age 61, was an independent farmer who had worked hard all of his life to be where he was at the start of the War. After his internment at Bismark, S.D., Fresno Assembly Center, Jerome, Ark., and Amache, Colo., he left camp at the age of 64 with little money, little possessions, a wife who was not able to work and two teenage boys... He could not make a comeback after the internment and ironically he dies working as a laborer..."*[43]

Finally, life in the concentration camps violated the spirit and letter of the FIRST AMENDMENT, which guarantees freedom of speech and of association, as well as other implied and fundamental rights such as the right to personal privacy, the right to vote, and the right to travel.[44]

> *Censorship was the rule... Nothing was permitted to go into the papers that did not meet with center management approval. Discussion of the international situation, war news, national news, even hometown news and politics was taboo.*[45]

> *The only seclusion within an "apartment" was provided by flimsy curtains that residents might put up between the crowded beds. Children, it was reported, did not get their proper sleep at night, and there was a good deal of restlessness among them. Grown children, too, lived with older parents, and sometimes a*

> *family contained more than one generation of couples. The searchlights that swung monotonously around an arc periodically lit up the rooms and seemed to rout out any final illusions of privacy.*[46]

DAMAGE TO THE TRADITIONAL JAPANESE AMERICAN COMMUNITIES

Not only were there injuries to the individual Japanese Americans who were imprisoned; there were also injuries to the group as a whole. There is much evidence to indicate that the traditional Japanese American community organization was destroyed by the evacuation and by the official policy of post-War dispersal which was advocated by the W.R.A.[47] In order to fully understand the evolution of such communities, though, they must be placed in the historical context of racism against non-White minorities in the United States.

Racism against the Japanese in the United States is, in part, a continuation of racist attitudes perpetrated against the Chinese since the middle of the 19th century.[48] Anti-Japanese sentiment became overt in the early 1890s almost with the beginning of immigration from Japan. It came initially from the trade union leaders, including some who had already honed their racist political rhetoric against the Chinese.[49]

This was merely the beginning, however. Racism directed towards the Japanese emanated from many quarters during the first decade of the 20th century. Politicians, scholars, labor unions, local and national political/civic organizations, were all involved in agitation against the Japanese.[50] Exclusion Leagues were formed to ban Japanese immigration, Japanese children were thrown out of the San Francisco public schools in 1907, and anti-Japanese riots broke out in the same city, again in 1907, accompanied by rumors of the inevitability of war with Japan. In the years that followed, a flurry of anti-Japanese bills were introduced in the legislature, restricting immigration, anti-Japanese bills were introduced in the legislature, restricting immigration, any form of property ownership, and relationships with women (in the form of anti-"miscegenation" laws, and the banning of the "picture-bride" form of marriage), in addition to many other discriminatory covenants.[51] With the passage of the Immigration Act of 1924, Asians were made ineligible for further immigration. Immigrant Japanese were not even able to become U.S. citizens until 1952.[52]

On the basis of this short summary, we can see that it would be erroneous to argue that Japanese American communities--as territorially-defined areas of concentration--were merely a matter of the immigrants trying to reproduce their traditional lives in a new setting.[53] Nor were they mere replicas of the culture and society from whence the migrants came. They were in fact new creations, resulting from the adaptation of migrants in a novel setting.

In the case of the Japanese Americans, then, an effort to combat the existence of racism, and an "ethnic" (that is, racially-based) division of labor, resulted in the need for ethnic communities.[54] These, in turn, provided the setting for a unique ethnic life style, based on the intimate ties between the individual, the family, and the larger Japanese American community.[55] In a larger society which did not accept Asians, these communities often provided the only context in which Japanese Americans could develop an authentic and positive sense of self, as well as the relationship of self to larger social groups.

What evidence can be produced to document the concrete damages inflicted on the fabric of pre-War communities? Unfortunately, there is no comprehensive study which has been carried out on this topic. Instead, five cases—representing both rural and urban settings--will be briefly outlined.[56]

Reporting on the post-War situtation in the Japanese American community of Seattle, Washington, sociologist S. Frank Miyamoto found: (1) a loss of more than 1,000 persons (between 1940 and 1950); (2) evidence of "large" financial losses; (3) that the business community "never regained its pre-War level of activity;" and, (4) a loss in the extent and intensity of the social organization which characterized the community during the pre-War period.[57]

In a recent study of the Japanese community in the city of Sacramento, California, social scientist Cheryl Cole's evaluation of the wartime impact is brief and clear: "Community feeling was lost in Japan Town after World War II; in fact, there ceased to be a Japan-Town in the post-War period." [58]

Today, Cole notes, much of the activity among Japanese Americans in Sacramento "...has been towards restoring the sense of community among Japanese...that once lost, was found to be sorely missed."[59]

Geographer M. Nishi's general assessment is that the solidarity and internal coherence of the Japanese American community of Los Angeles had been effectively undermined due to dispersal and the weakening of ties between mutually reinforcing institutions.[60]

Her research showed that only 19 out of 49 pre-War prefectural associations had been revived. Her data showed that "(a)ssociations organized along purely Japanese lines have disappeared,"[61] although the cultural and recreational clubs appeared to survive. Another finding was that "(e)conomic or occupational associations for the general purpose of protecting the business interests of their Japanese members declined markedly in the postwar period."[62] Initially this included farmer's associations, and even gardener's associations.

These changes are confirmed by the research of historian Jim Masaoka, in his studies of pre- and post-War Little Tokyo, Los Angeles.[63]

In a study of two rural Japanese American communities located in the Sacramento Delta, Befu found that the one which had access to only restricted economic opportunities decayed substantially.

"The Japanese population dwindled to about 250, less than one fourth of what it used to be before the war. Various types of lodging, restaurants, and bars either never reopened after the war or closed down one after another..."

With the decline of the economy and dwindling of the population, most of the prewar associations either were never revived or lost their former significance.[64]

A neighboring Japanese American community experienced a much better economic situation after the war. The fabric of the

> *pre-war social organization was not reconstructed, however. Japanese Americans began to have closer and more varied ties to the dominant society. In a word, they began to assimilate.*65

> *In testimony presented to the Commission at the San Francisco hearings, the Japanese Community Progressive Alliance presented its findings on the impact of the war on the social organization of San Francisco's Nihonmachi (Japantown). J.C.P.A.'s testimony states:*
>
> *Our research for San Francisco indicates that small businesses suffered a 30% decline, from 157 shops in 1941 to 111 ten years later. The number of health services and professionals dropped 30%. An even greater drop occurred in services encompassing employment and insurance agencies, residence hotels, schools, newspapers, and law offices--here the decline measured over 40%, from 116 total establishments in 1941 to only 69 after the war. The clubs and schools which maintained and transmitted the many cultural traditions through teaching and performances--music, dance, martial arts, and flower arranging--were decimated, with less than half surviving the war years. Lastly, the number of mutual support and community organizations such as the kenjinkai, also decreased significantly, despite the continued need for their services.*66

The case studies considered above show the negative and destructive impact of the wartime events on the fabric of the traditional Japanese American communities. As a direct result of the evacuation, the residential and economic base of the traditional communities was broken.

In addition, other important functions were lost. The community offered a setting where Japanese Americans could develop their own unique, and authentic, self-identity, consistent with their values, culture, and historical experience. The traditional community was also, in effect, an extended network for mutual aid, support, and comfort in a frequently hostile environment. Thus, with the damage to traditional social organization many Japanese Americans in the post-War society were deprived of an important source of psychological and material security.67 From this point of view, damage to the traditional communities was part-and-parcel of an official policy of the forced assimilation of the Japanese Americans. This policy had a destructive impact on the social and cultural life of Japanese Americans. For example, sociologists

Levine and Rhodes conclude, in their national-level study of the Japanese American community that:

> What we find, in fact, is little persistence of Japanese American communities in the classic, Issei sense. As Nisei and Sansei have entered the social and economic networks of the larger society, they have willy-nilly moved away from older-style, Japanese American identities.[68]

Similarly we see that the destruction of the traditional communities took its toll on collective pride and identity. In short, ethnic community was also a victim of racism and wartime hysteria. Reparations are therefore necessary in order to restore and revitalize community institutions, organizations, and networks. This is vital since ethnic identity itself is sustained by the groups that collectively make up the Japanese American community.

How, though, would the community fund be utilized to do this effectively?

Taking greater Los Angeles as an example, three major areas have been identified as priorities.[69]

Since the Issei generation was most directly affected by the impact of the War-time imprisonment, it is tragic that--at a national level-- 20% of the Issei are living on incomes below the poverty level.[70] Presently, Los Angeles contains the largest number of Issei of any city on the mainland.[71] In addition, recent expert testimony informs us that mental health, nutrition, women's health, nursing homes, and access to government services and aid, are all "problem areas" for the Japanese American elderly in L.A.[72] Since other generations have health and service needs that are also not being met, a high priority in general is to devote community fund monies to social services which are developed and delivered with respect to the cultural norms and style of the Japanese Americans.[73]

Urban housing is another area of serious need in Los Angeles. Many Issei and Nisei would like to spend their retirement years in a Japanese

American setting like Little Tokyo. A statement from the manager of the Little Tokyo Project Office of the Community Redevelopment Agency, however, reveals that there are only two lower-income housing projects in the Little Tokyo area, with a combined total of 400 dwelling units.[74] These units are presently 100% occupied, and "currently have a combined waiting list of over 1,000 households." The project manager also observes that since no further subsidies for additional low-income housing in Little Tokyo are available, this need is likely to remain unmet.[75]

A third area, for which monies from a community fund would be utilized in Los Angeles, is culture and art.

Recent C.W.R.I.C. Hearings across the United States demonstrated that many Issei, Nisei, and Sansei were psychologically traumatized by the Wartime events. Some spoke openly of having been made ashamed of being Japanese American, and of things Japanese. Cultural and artistic organizations are a key medium through which to restore and create a more positive sense of Japanese American experience and sensibility.[76] In addition, with the effective destruction of the geograpical community, culture and art play an increasingly important role in unifying a dispersed population. Consequently, culture and art are an essential part of the identity of Japanese Americans, and are thus critical in building ethnic awareness and pride. Community fund monies could be used to help such organizations with rent, upkeep expenses, equipment, and in order to expand services and programs.[77]

It should be stressed that each specified region identified in the Bill must decide for itself where community needs lie. While the Los Angeles region furnishes one concrete example, H.R.   provides for the election of regional community boards, which can autonomously decide on priorities, based on local conditions and resources.

Finally, the importance of a community fund for Japanese Americans has been intensified by the rate of recent social programs reductions, estimated at $41.8 billion dollars in 1983.[78]

CONCLUSION

The true extent of losses and injuries suffered by Japanese Americans, Aleuts, and others who were evacuated and imprisoned is so immense as to be ultimately incalculable.[79] This report nevertheless presents documentation about the extent and range of injuries based on official testimonies, Government publications, and the research and findings of independent, scholarly studies. This information demonstrates there is more than ample justification for the validity of granting Redress/Reparations in the amounts described in H.R. .[80]

The success of the Redress/Reparations campaign will also strengthen the Constitution, and its promise to protect the rights of U.S. citizens, no matter what their "race," color, or creed. This is an issue of importance to all Americans. A testifier at the Los Angeles hearings of the C.W.R.I.C., 1981, put it this way:

> *Patently, the wrongs which were inflicted upon the Japanese Americans cannot be rectified at this late date, nor can any amount of restitution make up for the terror, the trauma, the degradation, the disruption of our lives and our forced sojourn behind barbed wires and armed guards, solely because of our racial background, in flagrant violation of vested constitutional, legal and moral rights. Yet, unless concrete measures are taken in the form of definitive restitution, the role of this Commission will be to only echo what has transpired in the past--a sop to the conscience of the United States--a glossing over of a gross injustice upon a group by a nation which proclaims democracy as a way of life throughout the world.*[81]

FOOTNOTES

[1] 65 S.Ct. 193, at 242 (1943).

[2] Dorothy S. Thomas and Richard Nishimoto, The Spoilage; Japanese-American Evacuation and Resettlement During World War II (Berkeley, 1969), 2.

Numerous descriptive histories have been written about these events. The following studies provide good introductions: Jacobus tenBroek, Edward N. Barnhart, and Floyd W. Matson, Prejudice, War and the Constitution (Berkeley, 1970); Roger Daniels, Concentration Camps U.S.A.: Japanese Americans and World War II (New York, 1971), and, The Decision to Relocate the Japanese Americans (New York, 1975); and Michi Weglyn, Years of Infamy: The Untold Story of America's Concentration Camps (New York, 1976).

With volumes of personal testimony which resulted from the nation-wide hearing held by the Commission on Wartime Relocation and Internment of Civilians (C.W.R.I.C.) during 1981, it is likely that a full assessment of the events can now be developed from a Japanese American perspective.

[3] The most complete, scholarly, study which has been produced on this topic is by Leonard Broom and Ruth Riemer, Removal and Return: The Socio-Economic Effects of the War on Japanese Americans (Berkeley, 1949).

[4] For some personal testimonies given at the San Francisco and Los Angeles hearings of the Commission on the Wartime Relocation and Internment of Civilians, see Amerasia Journal, Vol. 8 (1981).

[5] For an outline of five case studies, showing the impact of the evacuation on pre-War communities, see pages 14 through 17, below.

[6] The U.S. Government did establish a Congressional Bill which would allow for the restitution of losses. The 1948 Evacuation Claims Act, however, was inadequate for the following reasons: (1) only claims on tangible, documentable, losses could be filed; (2) not everyone was eligible to make claims; (3) payments on claims made amounted to only ten cents on the dollar; and (4) the Government made no official apology acknowledging that rights were violated, and an injustice was perpetrated.

Note the evaluation of the 1948 Act presented by Broom and Riemer, Removal and Return, 198-204. They state: "The principal defect of the law is that it makes no provisions for losses of earned income and earning power... With such serious apparent defects, one may well wonder to what extent the law can be administered to rectify damages sustained by the evacuees", Ibid., 200.

[7] Three classic studies taking this position are: Nanette Dembitz, "Racial Discrimination and the Military Judgement: The Supreme Court's Korematsu

and Endo Decisions," Columbia Law Review, Vol. 48 (1943); Eugene V. Rostow, "The Japanese American Cases--A Disaster," Yale Law Journal, Vol. 54 (1945); and Edward S. Corwin, Total War and the Constitution (New York, 1947).

Other studies are cited in tenBroek, et al., Prejudice, War and the Constitution, 6.

Official testimony to this effect was also presented to the Commission on Wartime Relocation and Internment of Civilians, December 9, 1981, at a hearing held at Harvard University, sponsored by the Harvard Foundation. See, in particular, the historical study by Professor Peter Irons, "Japanese American Internment and the Legal Profession: Issues of Ethics and Professional Responsibility," and the evaluation of constitutional scholar and Professor of Law, Lawrence G. Sager, "Statement of Lawrence G. Sager Before the Commission on Wartime Relocation and Internment of Civilians," both presented on December 9, 1981, at the Public Meeting of the C.W.R.I.C., Agassiz Theater, Harvard University.

Also of interest are the comments of former Supreme Court Justice Arthur J. Goldberg, made at the C.W.R.I.C. hearings in Washington, D.C. (as reported in the Pacific Citizen, October 9, 1981, 1).

[8] Lawrence G. Sager, "Statement of Lawrence G. Sager Before the Commission on Wartime Relocation and Internment of Civilians," 6.

[9] Rafu Shimpo, Wednesday, November 18, 1981, 1.

Interested readers will note that McCloy's statements in this article, and the statements of Retired Col. Karl R. Bendetsen (Los Angeles Times, Tuesday, November 3, 1981, Part I, 20), show that neither has changed his mind about the necessity or the morality of the "internment."

[10] Two officials who believed that the Japanese Americans constituted a threat were the Western Defense Command's General DeWitt, and Bendetsen from the Provost Marshall General's office.

See Daniels, The Decision to Relocate the Japanese Americans, 14-15, 44, and passim, on the decision itself. Daniels, Concentration Camps U.S.A., provides a broader picture, including how the basic civil rights of Japanese Americans were eroded, 27; 34-35.

[11] See Weglyn, Years of Infamy, 67-75.

[12] Ibid., 76-102.

[13] Audrie Girdner and Anne Loftis, The Great Betrayal: The Evacuation of the Japanese-Americans during World War II (New York, 1969), 121-144.

14 One extensive study of the "relocation centers" is by Edward H. Spicer, Asael T. Hansen, Katherine Luomala, and Marvin K. Opler, Impounded People: Japanese Americans in the Relocation Centers (Arizona, 1969); also, Thomas and Nishimoto, The Spoilage, 28-30.

For an extensive, comparative study see, Rita Takahashi Cates, Comparative Administration and Management of Five War Relocation Authority Camps: America's Incarceration of Persons of Japanese Descent During World War II. Ph.D. Dissertation, University of Pittsburgh, 1980.

15 Information on how these conditions impacted upon family life can be found in the life histories collected by Charles Kikuchi, in the book by Dorothy S. Thomas, The Salvage (Berkeley, 1962), in Leonard Broom and John I. Kitsuse, The Managed Casualty: The Japanese American Family in World War II (Berkeley, 1956), and in Girdner and Loftis, The Great Betrayal, 145-178.

16 The commentaries in this section were abstracted by Jim Matsuoka from official testimonies given to the Commission on Wartime Relocation and Internment of Civilians, at hearings in Los Angeles, 1981.

Although the testimonies utilized here were taken from the Los Angeles hearings, they express common experiences that took place in all of the other camps.

17 Testimony of David Imahara before the C.W.R.I.C., Los Angeles, 1981.

18 Testimony of Violet K. De Cristoforo, Amerasia Journal, Vol. 8 (1981), 94-95.

19 Testimony of Kinya Noguchi, Amerasia Journal, Vol. 8 (1981), 70.

20 Testimony of Mas Tanibata before the C.W.R.I.C., Los Angeles.

21 Testimony of Kiyoshi Sonoda before the C.W.R.I.C., Los Angeles.

22 Testimony of Violet K. De Cristoforo, Amerasia Journal, Vol. 8 (1981), 95.

23 For an extensive study of how these events, and the "resegregation" questionnaire, affected the Japanese Americans see Dorothy Thomas and Richard Nishimoto, The Spoilage, 84-112.

24 tenBroek, et al., Prejudice, War and the Constitution, 166-170.

25 Chester Tanaka, Go For Broke (Richmond, Calif., 1982), 1.

26 Broom and Riemer, Removal and Return, 124-204. These pages include an extensive study of the case of Japanese on Terminal Island, who were given only forty-eight hours to "evacuate."

27 U.S. Department of the Interior, The Wartime Handling of Evacuee Property (Washington, D.C., 1946), 108.

Interestingly enough, the four hundred million dollar loss figure--which is attributed to the Federal Reserve Bank of San Francisco--is erroneous. The librarians in charge of the Bank's archives have found no documentation or source for this estimate.

28 Broom and Riemer, Removal and Return, 203.

29 N.C.R.R. would like to thank Rick Oishi, from the Asian American Studies Center, U.C.L.A., for providing this "present value" calculation of 1940s property and income losses. At a very conservative rate of compounded annual interest (.06 or 6%), Broom and Riemer's figure comes out to more than three billion dollars.

30 Testimony of Henry T. Murakami before the C.W.R.I.C., Los Angeles, 1981.

31 Jim Matsuoka, personal communication.

32 Testimony of Tetsu Saito before the C.W.R.I.C., Los Angeles, 1981.

33 A variety of explanations for the "internment" of Japanese Americans during the Second World War have been advanced. Although it is clear that a variety of actors and variables contributed to the evacuation decision (such as the history and pattern of racism, and pressure groups determined to seize Japanese American property and business), the ultimate responsibility rests with the U.S. Government. For documentation of this interpretation the reader can consult: Roger Daniels, Concentration Camps U.S.A.; Morton Grodzins, Americans Betrayed: Politics and the Japanese Evacuation (Chicago, 1949), and tenBroek, et al., Prejudice, War and the Constitution.

34 This quote comes from the dissenting comments of Supreme Court Justice Frank Murphy, in the case of T. Korematsu versus the United States, 65 S.Ct. 193, at 233 and 234.

35 This is the conclusion advanced by tenBroek, et al., Prejudice, War and the Constitution (New York, 1947), 91.

36 Edward S. Corwin, Total War and the Constitution (New York, 1947), 91.

37 The violation of constitutional rights identified in these pages follows

the analysis of the brief prepared by the Bay Area Attorneys for Redress, filed as official testimony to the C.W.R.I.C.

A reprint of this brief can be found in the Pacific Citizen, December 18-25, 1981, 2.

38 320 U.S. 81, No. 870, at 111 (1943).

39 65 S.Ct. 193, at 235 and 236.

40 Thomas, The Salvage, 450.

41 Ibid., 375.

42 Ibid., 465-466.

43 From a written testimony, presented to the C.W.R.I.C., in the possession of the Gardena Chapter of N.C.R.R.

44 See tenBroek, et al., Prejudice, War and the Constitution, 127-132, and Thomas and Nishimoto, The Spoilage, passim, for documentation.

45 Girdner and Loftis, The Great Betrayal, 184.

46 Ibid., 166.

47 One of the most extensive studies on the policy of post-War dispersal is yet unpublished: Michael John Wallinger, Dispersal of the Japanese Americans: Rhetorical Strategies of the War Relocation Authority, 1942-1945. Ph.D. Dissertation, University of Oregon, 1975.

48 Stanford M. Lyman, Chinese Americans (New York, 1974), 54-85.

49 Alexander Saxton, The Indispensable Enemy: Labor and the Anti-Chinese Movement in California (Berkeley, 1971), 116-131.

50 tenBroek, et al., Prejudice, War and the Constitution, 11-96, and Daniels, The Politics of Prejudice, passim, both provide extensive, primary documentation.

51 Frank Chuman, The Bamboo People: The Law and Japanese-Americans (Del Mar, Calif., 1976), 184-189; passim.

52 Historian Yuji Ichioka, at the Asian American Studies Center, U.C.L.A., has written a fascinating study on Issei attempts to win the right to naturalization: "The Early Japanese Immigrant Quest for Citizenship:

The Background of the 1922 Ozawa Case," Amerasia Journal, Vol. 4 (1977), 1-22.

53 Note that Supreme Court Justice Harlan Fiske Stone, in delivering the opinion of the court in the case of K. Hirabayashi versus the United States, argues this point of view, 320 U.S. 81, No. 870, at 96, 97, and 98. Also see the comments of Justice Frank Murphy, 65 S.Ct. 193, at 236 through 240.

54 The perspective developed here on Japanese American communities is derived from the testimony of Drs. James and Lane Hirabayashi, "The Impact of World War Relocation on Nisei Schoolchildren," presented before the C.W.R.I.C., San Francisco, 1981.

55 S. Frank Miyamoto, Social Solicarity Among the Japanese in Seattle (Seattle, 1939).

56 It is important to stress that most students of the Japanese American community during the post-War period focus on the "positive" changes that took place. The majority of studies thus focus on the post-War patterns of socio-economic mobility, housing and residential desegregation, educational and professional achievements, and acceptance by and integration into the larger society.

It should be emphasized that our argument here does not deal with the "fact" that Japanese Americans may have benefitted in the years of post-War prosperity. (At any rate these benefits were not a direct result of the evacuation and imprisonment.) Here we are only showing that the evacuation and imprisonment, and the impact on Japanese Americans, damaged the traditional communities beyond repair. We have utilized the criteria of: (1) traditional institutions; and, (2) social solidarity, as our general indices for measuring damages.

57 S. Frank Miyamoto, "An Immigrant Community in America," in Hillary Conroy and T. Scott Miyakawa, eds., East Across the Pacific (Santa Barbara, 1972), 217-

58 Cheryl L. Cole, A History of the Japanese Community in Sacramento; 1883-1972: Organizations, Businesses, and Generational Response to Majority Domination and Stereotypes (San Francisco, 1974), 72.

59 Ibid.: 75.

60 Midori Nishi, Changing Occupance of the Japanese in Los Angeles County, 1940-1950. Ph.D. Dissertation, University of Washington, 1955, 160; 164-165.

61 Ibid.: 160.

62 Ibid.: 162.

63 See the article by Jim Matsuoka, "A Community Destroyed," in The Asian American Journey, September, 1981. For an extensive case study of Japanese Americans in Long Beach, Calif., see the testimony of historian L. Boss, presented before the C.W.R.I.C. hearings, Los Angeles, 1981.

64 Harumi Befu, "Contrastive Acculturation of California Japanese: Comparative Approach to the Study of Immigrants," Human Organization 24 (1965), 213.

Anthropologist Richard K. Beardsley reported on an even more extreme case, in a study which, unfortunately, remains unpublished: "A Japanese Ghetto Enclave Gets Militant," unpublished manuscript prepared for annual meeting of the American Anthropological Association.

65 Befu, "Contrastive Acculturation of California Japanese," 214-216.

66 See "Testimony of the Japanese Community Progressive Alliance of San Francisco, Calif.", to the C.W.R.I.C., November, 1981, 2.

67 The argument that a disaster can cause both individual and collective trauma has been made by sociologist Kai T. Erikson, Chair of American Studies at Yale University, his study of Buffalo Creek: "Loss of Communality at Buffalo Creek," American Journal of Psychiatry 133 (1976), 302-305.

"A person whose feelings of well-being begin to wither because the surrounding community is stripped away and no longer offers a base of support...can be said to suffer from collective trauma" Ibid., 302.

In his study of Buffalo Creek, Erikson found that the quality of relationships in this community was based on traditional bonds of kinship and neighborliness. "When forced to give up these long-standing ties with familiar places and people, the survivors experience demoralization, disorientation, and loss of connection" Ibid., 302. Erikson refers to this collective trauma as "the loss of communality" Ibid.

During the war years, the Japanese suffered three stages of "loss of communality." The first was when they were forcibly removed from their original communities; e.g., see Broom and Riemer, Removal and Return, 158-197.

A second was when families had to live in the concentration camps. The conditions and regulations in these camps gave rise to many tensions, aberrations, and disruptions; Thomas and Nishimoto, The Spoilage.

Although there were primarily Japanese Americans congregated together in these camps, conditions were abnormal. Camps in this sense, were more like a "total institution" (e.g., a prison), than a "community"; this is the interpretation presented in the detailed study of Robert Alan Mossman, Japanese-American War Relocation Centers as Total Institutions with Emphasis on the Educational Program. Ed.D. Dissertation, Rutgers University; The State University of New Jersey (New Brunswick), 1978.

After the War, Japanese Americans were encouraged to resettle away from pre-War areas of concentration, and away from other Japanese Americans in general; Wallinger, Dispersal of the Japanese Americans: Rhetorical Strategies of the War Relocation Authority, 1942-1945; also, Thomas, The Salvage.

These three stages, and footnote 56, provide the elements of a historial framework for understanding the destruction of Japanese American community.

[68] Gene N. Levine and Colbert Rhodes, The Japanese American Community: A Three Generation Study (New York, 1981), 146.

[69] These areas were identified in a series of community meetings called by the Little Tokyo People's Rights Organization during the Fall of 1981. In conjunction with the opinions expressed at these meetings a Redress/Reparations Committee developed in L.T.P.R.O. to investigate the community fund concept, and study priority areas.

The legislative committee of N.C.R.R. would like to thank Gayle Hane, Lucy Kubota, Richard M. Osumi, Judy Nishimoto, as well as Bill Watanabe and Evelyn Yoshimura of the Little Tokyo Service Center, Los Angeles, for sharing the information below with us.

[70] For this, and other, statistics on the Japanese American elderly, see "Executive Order 9066: Its Long-Term Manifestations on the Japanese as an Aging Population," p. 6. This was the testimony of Louise M. Kamikawa, Director of the National Pacific/Asian Resource Center on Aging, as presented to the C.W.R.I.C., Thursday, September 10, 1981, in Seattle, Washington.

[71] 40% of all Issei are presently located in the greater Los Angeles area, according to sociologists Gene N. Levine and Colbert Rhodes, The Japanese American Community: A Three Generation Study (New York, 1981), 33.

[72] See footnote #70; also, the study by Geraldine H. Mitsunaga, A Study of the Utilization and Non-Utilization of Social Welfare Services and Needs of Japanese American Elderly in Los Angeles, M.A. Thesis, School of Social Welfare, University of California, Los Angeles, 1976.

[73] A recent study, showing the conditions and needs in the area of health services, is Asian Americans and Health Care in Los Angeles County (Los

Angeles, 1975), 206-210; passim.

A similar study, with comparable data at the national level, is the Asian American Field Survey, Summary of the Data (Washington, D.C., 1977), 142-143; 166; 195; 198; 203; 205; 211; 212.

Michi Weglyn, in her book Years of Infamy, 278-281, also comments on health-related issues and concerns of the contemporary Japanese American community and how these are related to the "camp" experience.

74 Correspondence, dated November 20, 1981, between Mr. Richard Osumi, Attorney, and Mr. H. Cooke Sunoo, Project Manager for the Little Tokyo Project Office, of the Community Redevelopment Agency.

75 Ibid. In regard to additional housing, at even the current market rate, the situation in Little Tokyo is seriously deficient. Mr. Sunoo states: "The CRA market consultants advise us that there is a current demand for approximately 100-150 market rate condominium units per year in Little Tokyo in the $80,000 to $100,000 price range. Land costs and other factors render the delivery of units of this price range impossible without large amounts of public subsidy. These public subsidies are currently unavailable."

According to Attorney Richard Osumi, to fulfill the housing needs of Japanese Americans today would require well over three billion dollars, itself.

76 This perspective was developed by Ms. Lucy Kubota in a report to L.T.P.R.O. on culture and community for the community fund meeting.

77 Ibid. Ms. Kubota carried out a survey of Japanese American art and cultural organizations in the greater Los Angeles area. This survey revealed that organizations operate with a minimum budget. Many indicated that they could use monies from the community fund for the areas specified.

78 Estimates of social programs reductions for the fiscal year of 1983 can be found in the United States Conference of Mayors report, entitled: "The Federal Budget and the Cities," dated February, 1982.

The $41.8 billion figure is cited in a recent Office of Management and the Budget handout.

79 It has recently come to light that a Native American group living in Alaska and on the Pribilof Island chain--known as the Aleuts--were also evacuated and incarcerated. Aleuts, in addition, were U.S. citizens. Almost 1,000 Aleuts were affected, and they suffered harsh conditions and indignities similar to those of the Japanese Americans. Substantial losses were also sustained by the Aleuts as a result of actions against

them. See the report, "Background Information on the Aleut Evacuation," which was part of the written testimony given to the C.W.R.I.C. at its hearings at Harvard University, December, 1981.

Japanese in Latin America, too, were the vitims of injustices. Their businesses and assets were frozen, and some of them were evacuated to, and jailed in, the United States; Michi Weglyn, Years of Infamy, 54-66.

80 In regard to precedents for Redress and Reparations, no less an authority than Father Robert F. Drinan has stated that there are at least four law cases that would support payments to the Japanese American internees; see his article in The Boston Globe Magazine, February 12, 1982.

These four precedents are: (1) The Indian Claims Commission; (2) the War Claims Act of 1948; (3) compensation, given by Germany, to any persons deprived of their liberty between January, 1933, and May, 1955; (4) reparations which were made by the U.S. Government to anti-war demonstrators who were subject to a mass arrest in Washington, D.C., in 1971.

Father Drinan--who is a member of the C.W.R.I.C., on the law faculty at Georgetown University, Washington, D.C., and formerly a dean of Boston College Law and a member of U.S. Congress (five terms, 1970 through 1980)--concludes that if the desire to atone is clear, the legal technique is simple; Ibid.

See, also, the detailed study of Gerald Masahiro Sato, "Reparations for Japanese Americans for Personal Injuries Caused by Federal Government Action During World War Two: A Review of German Compensation Laws for Victims of Nazi Persecution, and the Relevance to Japanese Americans," presented to the C.W.R.I.C., as written testimony, 1981.

81 Testimony of Kanshi Stanley Yamashita, Amerasia Journal 8 (1981):81.

NCRR TESTIMONY for

Senate Bill 2116 Hearings, Los Angeles, California, August 16, 1984

The National Coalition for Redress/Reparations (NCRR) is a grassroots coalition made up of individuals and organizations throughout the nation. We are an organization composed of Japanese Americans of all ages and generations as well as Americans of all races and backgrounds. Our membership and endorsements include organizations ranging from the ACLU to the Southern Christian Leadership Conference to the three million members of the Lutheran Church in America. We came together five years ago to educate, organize and develop community-wide efforts to win reparations for the more than 120,000 Japanese Americans who were incarcerated in internment camps during World War II.

NCRR's principles are based upon our community's strong desire for justice; our convictions are verified by a wealth of historical and government documents; and our beliefs are founded in the democratic ideals of this country.

The experiences of internees will exemplify the violations guaranteed under the Bill of Rights.

The FIRST AMENDMENT guarantees freedom of speech and of association.

An internees reports "...Censorship was the rule... Nothing was permitted to go into the papers that did not meet with

NATIONAL COALITION FOR REDRESS/REPARATIONS
244 South San Pedro Street Room 406
Los Angeles, California 90012 (213) 620-0761
1858 Sutter Street
San Francisco, California 94115 (415) 921-8841

center management approval. Discussion of the international situation, war news, national news, even hometown news and politics was taboo."

The FOURTH AMENDMENT prohibits unreasonable searches and seizures by the Federal government.

Umeno Fujino testified that,"... On January 1942, seven FBI men arrived in Salinas. They showed up at my door and messed up everything in the house. They took a boxful of silk handkerchiefs and scarves. They were just so cruel. They even watched me when I went to the bathroom."

The FIFTH AMENDMENT guarantees the due process of law, the right to be formally charged and the right to present a defense, before liberty can be taken away.

An evacuee recalls, "... the FBI came and took every male Japanese alien in town. They came in very suddenly and many of the men were taken right off of the fields so that they had no chance to say good-bye to their families."

The SIXTH AMENDMENT guarantees the right to a public and speedy trial.

Henry Murakami states, "... the FBI came and began to arrest every male in Terminal Island who had a fisherman's license. I was taken to the Immigration Building in San Pedro and on that very same night, shipped to Fort Lincoln, North Dakota."

The EIGHTH AMENDMENT prohibits cruel and unusual punishment.

Alice Nehira testified, "... at the time of my birth, my mother's physician in camp performed a tubaligation on her.

She never gave her consent and was totally unaware of it until ten years ago when she was examined by her internist for colon cancer."

There are 120,000 individuals' experiences. Of course, we seek monetary reparations for three and a half years out of our lives: communities devastated, property lost, families separated, lives lost, individual lives disrupted, the trauma and indignities suffered.

How did this extraordinary event occur? The 1981 Commission on Wartime Relocation and Internment of Civilians (CWRIC) reported that, "...Executive Order 9066 was not justified by military necessity ... and the broad historical causes which shaped these decisions were race prejudice, war hysteria and the failure of political leadership."

Prior to 1942, a long history of discrimination against Asian Americans was manifested in over 500 pieces of legislation which included the statute to prohibit the naturalization of any Japanese immigrant. This resident alien status barred people from buying land and participating as citizens until the passage of the Walter-McCarren Act in 1952. The second-generation ~~Nisei~~ were natural-born American citizens. Criticisms of disloyalty associated with dual citizenship status (held by less than 20% of the Nisei by 1930) was never substantiated. Not one single person who went to camp was convicted of any act of espionage, treason or sabotage. Of the evacuees, two-thirds were citizens and one-third were resident aliens.

The population of Japanese Americans increased, along with their economic strength in the states of Washington, Oregon and especially California. We are certain that economic greed became another motive for mass evacuation.

While in camps, internees were incarcerated and under military guard. The War Relocation Authority (WRA) attempted to implement a leave program after the necessity of detention became difficult to defend. Departure was permitted only after a controversial loyalty review in consultation with the military. The program was ineffective and the larger number spent years behind barbed wire.

What will the United States government do about this travesty of justice? NCRR commends the courageous recommendations of the CWRIC and we want to make clear our support for the historic bill before us today, Senate Bill 2116.

NCRR recommends, however, that the restitution amount to individuals be a minimum of $25,000. This figure was determined by nationwide community surveys and petitions and is the symbolic amount which represents a tangible, meaningful apology. It is also more than justified by the documented calculated losses.

Payment should be given to heirs of deceased evacuees. 120,000 lives were affected and these are the numbers that must be dealt with in terms of compensation. To restrict 'justice' to the survivors implies a cruel waiting game - letting old age and death become the dominant factors.

5 of 5

Japanese Americans of all generations are still affected by the evacuation experience. We urge expediency and priority of payments to our Issei and elderly.

In respect to the Aleuts, as included in SB 2116, NCRR recommends reparations that are on parity with the Japanese Americans.

The passage of Senate Bill 2116 would be a landmark advancing the cause of justice not only for Japanese Americans - but for all who aspire to the principles upon which this country was founded. It would make an impact so that such violations do not occur again. As Kanshi Yamashita stated at the CWRIC Hearings "...unless concrete measures are taken in the form of definitive restitution, ...what has transpired in the past will only be an echo - a sop to the conscience of the United States - a glossing over of a gross injustice upon a group by a nation which proclaims democracy as a way of life throughout the world.

ECONOMIC LOSSES: IMPACT ON FAMILY AND COMMUNITY

A CASE FOR MONETARY REDRESS/REPARATIONS

Testimony on S2116
Senate Governmental Affairs Subcommittee on Civil Service,
Post Office and Governmental Sservices

NATIONAL COALITIION FOR REDRESS/REPARATIONS, SO. CALIF. CHAPTER

AUGUST 1984

Economic losses suffered as a direct result of the World War II evacuation and internment have exacted an extraordinary toll on Japanese American lives and livelihoods, unprecedented in our country's history. Conservative estimates have figured total losses at $350 million (in 1941-42 dollars);[1] adjusted to reflect inflation, the figure exceeds $3 billion, according to two recent, independently conducted studies.[2] However, in the most authoritative study to-date, the Presidentially-empaneled Commission on Wartime Relocation and Internment of Civilians (CWRIC) has announced in a June, 1983 report that even the $3 billion figure represents a gross underestimation of total losses: an overall sum in excess of $6.2 billion (in 1983 inflation-adjusted money) reflects more accurately Japanese American losses in income and property.[3] Yet even this figure cannot and does not account for the incalculable hardship and suffering in human terms that the evacuation and internment has left in its wake: the stigma placed on those subjected to exclusion and incarceration; the disruption of Issei and Nisei careers and education; the flagrant violation of Constitutional rights; the tragic and senseless loss of life exacted by killings, suicides, and the deaths of unborn and stillborn infants in the camps; the physical and psychological disabilities that have been revisited upon the Nikkei for the past 40 years and remain today for many Issei and Nisei as a constant and agonizing reminder of their days of internment; and finally, the legacy of economic dislocation and loss, which has bequeathed a fragmenting of the Nikkei community, an erosion of the traditional family unit, and contrary to the myth of the Japanese American "success story," an ongoing struggle for economic gain, opportunity, and in many cases, simple survival. To provide an understanding and rationale for these claims, this testimony briefly sketches the historical development of the Japanese American community as an economic and social entity, tracing its impact on family and community for the pre-war years through the evacuation/internment period and to the present day.

I. The Pre-War Years: Struggle and Growth[4]

Significant Japanese immigration to the U.S. began only after 1885 when Japan rescinded a 250-year-old edict forbidding emigration. This circumstance, in tandem with adverse and repressive economic conditions in Japan, led by 1910 to the migration and settlement of over 72,000 Japanese with almost 60% of that figure residing in California.

This influx of Japanese to the West Coast coincided with the highwater mark of anti-Chinese harassment, massacre and discriminatory legislation aimed at stemming "racial contamination" and disposing of "cheap coolie labor" (connoting unfair labor competition with the white majority). With the arrival of this new wave of the so-called "yellow horde," long-held fears of the dreaded "Yellow Peril" were enflamed, and efforts to control and contain the Japanese were redoubled.

Spearheading the initial assault on Issei's economic rights was an organized anti-Japanese movement, which first arose on the West Coast among labor groups in 1900. Major anti-Japanese protests and lobbying efforts aimed at the restriction or elimination of all "cheap foreign (Mongolian) labor" were the order of the day, despite the fact that besides the predominant occupation of farming among the Issei, Japanese also took what the majority population considered to be undesirable, menial jobs as migrant workers or manual laborers for railroads, lumber yards, canneries and mines.[5] Farmers' organizations, e.g., the Farm Bureau Federation and the California Grange, and civic groups, e.g., the American Legion and the Native Sons (and Daughters) of the Golden West, soon joined in the outcry for legislative controls in the Japanese American community. The stridency and persistence of this organized anti-Japanese movement soon paid off in the enactment of a series of discriminatory economic measures, with one of the most insidious being the Alien Land Laws of 1913 and 1920, which barred native Japanese from owning land and limited the leasing of agricultural land to a maximum of three years only. Still, the Japanese managed to acquire property by vesting ownership in their Nisei citizen sons and daughters, and by 1940, with the ethnic Japanese population at 127,000 (90% of whom were residing in California, Washington and Oregon), they found themselves beginning to prosper not only in agriculture, but in the fishing industry, small businesses, housework and gardening.[6] Comparisons of median income levels in California in 1940 reflect this remarkable though measured (and all too temporary) degree of success. For Japanese Americans the estimated median income was $622, comparing favorably with the entire U.S. labor force average of $627, and somewhat less so, with California at $852.[7] Moreover, the 6,118 farms operated by the Japanese, as owners or tenants, were valued at $72,600,000, "with an estimated $6 million worth of equipment in use."[8] Agriculture accounted for almost two-thirds of Nikkei jobs, and Japanese farmers were expected "to provide 30-40% of the state's truck farm crops in 1942."[9]

What accounts for this measured success in the face of rampant anti-Japanese hostility and discriminatory laws prohibiting land ownership, citizenship, and future immigration? The answer lies essentially in the necessity for Japanese Americans to build an economically self-sustaining community--ironically, in the best spirit and tradition of the American ideal of self-sufficiency. Since the majority population avoided or resisted contact with members of the Nikkei community, Japanese Americans turned to their families and to networks of community organizations (e.g., credit associations) for economic support.[10] For their part, family members (including mothers and any offspring old enough to work) frequently would toil long hours at stoop labor or would serve as unpaid employees in "ma-and-pa" shops, businesses or produce distributing centers. Thus, the traditional Japanese commitment to family and community resulted in high yields (even though profits were inevitably slim) and low costs, while contributing substantially to a national economy that was only just recovering from the Depression.

Singular in their pursuit of the "American Dream," a better life not primarily for themselves but for their children, the Issei, through years of diligence, hard work, careful savings and investment, and much personal sacrifice, were beginning to realize economic gains by 1941. But with the tragedy of Pearl Harbor, their hopes for acceptance by their adopted homeland were dashed, as the pursuit of the American Dream was transformed overnight into survival in an American Nightmare.

II. The Evacuation and Internment: Dislocation and Loss

As noted earlier, the extent of the actual total losses may never be determined, but again, the CWRIC has established the $6.2 billion figure as a realistic estimate. The difficulty in assessing total losses is due largely to lost or destroyed financial records. By the time that the question of compensation for losses was raised following the end of World War II, "the Internal Revenue Service had already destroyed most of the 1939 to 1942 income tax returns of evacuees--the most comprehensive set of federal financial records."[11] Moreover, because Nikkei evacuees "'could only take to camp what could be carried . . . it would be unreasonable to expect that emotion-charged men and women would have chosen to pack books and records instead of the food, the medicines, and the clothing which they took with them to war relocation centers'".[12]

At the root of the financial losses in property and income was the drastic policy of rapid evacuation. Henry Murakami, a fisherman on Terminal Island, the first zone to be evacuated, offers a startling case-in-point. Mr. Murakami was arrested at the outbreak of the war by the F.B.I. and was incarcerated at Fort Lincoln, North Dakota, leaving behind his pregnant wife and four children.

> I spent all my savings to buy purse seine nets and by the time World War II had started, I was the owner of three sets of purse seines . . . These nets . . . (were worth a combined total of $22,000.)
>
> . . . the government issued evacuation notices after I was (arrested). People were given 48 hours to leave. I had four children and a wife who was pregnant at the time . . . and she couldn't carry anything except clothing . . . We had a three-bedroom house with a kitchen. My wife had to abandon everything . . . the furniture and all of our other furnishings, including a 1940 Plymouth . . .no one ever knew what happened to my property. I tried talking to all of the authorities but no one ever seemed to know.[13]

The Terminal Islanders were given 48 hours to dispose of their possessions; the rest of the Japanese American community was more fortunate--they were notified all of a generous seven-to-ten days in advance of evacuation. Within a week's time, Nikkei families had no choice but to sell their homes, businesses, property, and worldly goods at distress-sale prices to profiteers--or to abandon their possessions to carpetbagging exploiters who stole or commandeered what had taken decades to acquire. Moreover, since many Issei male heads-of-households had been arrested immediately following the events at Pearl Harbor, the task of disposing of property and attending to financial matters frequently fell to inexperienced Nisei sons or to already overburdened mothers, whose primary responsibility was the bathing, feeding and clothing of her children. The consequence was an emotional trauma and disruption of the family unit that in many cases was irreparable.

In addition to the immediate losses attributable directly to the evacuation, economic hardships were compounded and exacerbated during the years of internment. As the CWRIC has reported:

> The years of exclusion were frequently punctuated by financial troubles: trying to look after property without being on the scene when difficulties arose; lacking a source of income to meet tax, mortgage and insurance payments. Goods were lost or stolen. Income and earning capacity were reduced to almost nothing during the long detention in relocation centers. . .[14]
>
> Some evacuees became aware of the destruction of their property while they were still in relocation centers; others only discovered the full extent of their losses upon their return home. The loss of time, of potential and of property were to many of the evacuees irreparable blows--financial blows from which many never wholly recovered.[15]

Finally, there is no proper way to assess in monetary terms the loss of life incurred by inadequate medical facilities in the camps. Mrs. Tsuye Nozawa, for example, suffered for three days and three nights in a camp hospital before treatment for her stillborn pregnancy was administered.

> (T)hree days after my suffering began, a Dr. Iwasa took over and pulled the baby out with a clasp. To get the afterbirth out, two doctors had to work on me, one doctor pushing my stomach hard while a hand was put into my insides to pull the afterbirth out . . . Mrs. Nagai said I was lucky my mother gave me a strong heart, or I would be dead like my child. The next morning the young doctor (or intern) came by my bedside. He bowed his head and said that he was sorry.[16]

The loss of real property and income in agricultural, fishing, small business, and domestic settings; the traumatizing effect of the evacuation and internment on individuals, families and the entire Nikkei community; the wrongful deaths, injuries and ailments--all entail losses that "involved demonstrably greater hardship, anxiety and loss than other Americans suffered."[17] And as such, in spite and because of the incalculability of these irreparable losses, substantive monetary reparations are imperative.

III. Post-War Period to the Present: "Recovery" and Loss

Far from being a reason for joy and celebration, release from the camps has proven to be no less than a perpetuation of the political impotency and economic hardships experienced prior to and during the evacuation and internment period for a substantial portion of the Japanese American community. Many Isseis and their families left the camps impoverished, having lost whatever possessions and capital they might have accrued before the exclusion; more often than not, they were forced to start from scratch, beginning once more their by now somewhat jaded pursuit of the American Dream--but this time, with virtually no money or resources whatever, even less than what they brought with them when they first arrived in America. The Issei, who had taken such great pride in their hard work and diligence and in the consequent self-sufficiency that had begun to assert itself in the Japanese American community, were reduced to accepting public assistance. Finding themselves on welfare rolls and dependent upon their Nisei children for support was often a reason for shame, roughly tantamount to the humiliation of the internment itself. The absence of many Issei male heads-of-households during the wartime years forced the Nisei sons and daughters to assume financial responsibility and leadership roles in the families. And with their advanced age (many Issei were in their 50s and 60s when they left camp), the possibility for the Issei's employment and return to leadership status in the family was minimized.

Intimately tied to this breakdown in the stable family unit was a fragmenting of the economic solidarity that had begun to emerge prior to World War II. Because of the geographical dispersion of the Issei and Nisei, and because there were no family businesses, farms, or communities to which they could return, the Nisei's movement into the general U.S. work force is best understood not as a matter of choice, but of an economic necessity fueled directly by the internment.[18] The traditional pre-war Japanese communities, just beginning to coalesce as viable economic and political entities in 1941, were all but destroyed by the War Relocation Authority's policy of relocation and dispersion.[19] The cost to the Nikkei, not only in terms of material security but in relation to ethnic self-identity and mutual support among Japanese Americans, is immeasurable. As we have noted elsewhere, "damage to the traditional communities was part-and-parcel of an official policy of the _forced assimilation of the Japanese Americans_," resulting in a severe undermining of "collective pride and identity. In short, ethnic community was also a victim of racism and wartime hysteria. Reparations are therefore necessary in order to restore and revitalize community institutions, organizations, and networks. This is vital since ethnic identity itself is sustained by the groups that collectively make up the Japanese American community."[20]

There are those who have posed the counterargument that the dissemination of Japanese Americans throughout the country has expedited their acceptance and hastened their economic advancement. But this portrayal of the Nikkei community as a "model minority" only serves to conceal ongoing, long-term effects of the economic dislocation generated by evacuation and internment. Many Issei and Nisei, who have never fully recovered from their camp experience, currently continue to suffer not only from economic disadvantage (a full 20% of the Issei are living on incomes below the poverty level[21]), but also from a litany of physical ailments ranging from allergies to hypertension to nervous disorders, all of whose origins can be traced back to the camp years. Moreover, there exists strong evidence that in virtually all segments of the Japanese American community (including the Sansei) instances of psychiatric pathologies can be both directly and indirectly related to the aftermath of the internment.[22]

It bears repeating that no amount of money can ever fully redress the wrongs committed, the losses sustained, the indignities, deaths and shame suffered, but the clauses in S2116 calling for individual monetary compensation and for a Nikkei community fund remain nonetheless essential and non-negotiable requirements. A formal apology without monetary compensation is unacceptable. As _Pacific Citizen_ columnist Bill Marutani has argued:

> The money in and of itself is unimportant; what is important as to the money is that it gives _meaning_, under our cultural values, to that apology. Without money, the apology is empty . . . it is an integral part of a _meaningful_ apology. Without it, it will be empty, a fraud.[23]

That there are contemporary precedents, nationally, regionally and locally, for redress of material losses and of flagrant violations of rights cannot be denied. At the national level, CWRIC Commissioner Robert F. Drinan has argued that there are at least two separate instances, which parallel the Japanese American community's struggle for redress and reparations:

1. On September 30, 1978 the (American) Indian Commission settled more than 500 claims, leading to a total of $800 million in awards. What is significant there is that several of these awards resulted from 76 of 371 treaties made by the U.S. with Indian tribes, _calling for their removal and relocation._
2. In December, 1980, the U.S. government paid $10,000 to each of 1,318 anti-war demonstrators who were incarcerated wrongfully for a weekend.

Directly germane to Japanese American redress and reparations are the states, counties and municipalities that have passed bills and ordinances offering apologies and authorizing monetary payments to former internees:

1. In 1982, the State of California passed into law a bill providing for $5,000 each to 314 Japanese American state employees who were fired from their jobs in 1942. Governor Edmund G. Brown has noted, "No legislation can undo the suffering of Americans of Japanese descent who lost their jobs, their property and their rights while our country was at war. The purpose of this bill is to remember in a small way and correct the injustice."
2. In 1983 the city of San Francisco authorized a bill giving 16 former Japanese American employees of the city $1,250 for every year they were interned during World War II.
3. In 1983 Los Angeles County undertook a compensation plan for Nisei employees, allocating $1,250 per year for each employee. County Supervisor Kenneth Hahn has remarked, "To be sure, the $1,250 is hardly enough to compensate those who were victimized for the financial and emotional cost of the this experience. But it is an important symbol to all Americans."

Additionally, Alameda County, California; Seattle, Washington; and the City of Los Angeles have all instituted legislatively mandated programs, compensating former Nikkei employees who were interned during World War II.

While precedents do not inherently constitute a justification or rationale for redress and reparations on a national scale, they do articulate, explicitly and implicitly, a fundamental claim: namely, that the events of 1942 are not merely shadows of a dim past, only darkly remembered--or forgotten. The evacuation and internment period is not being raised as a specter to haunt the conscience of America. These events have been raised to public consciousness and discourse not to blacken America's proud history, but to illuminate it, to highlight what has remained hidden and silent for four decades. The redress movement is not merely a challenge, but an opportunity for the U.S. to demonstrate once again that both in principle and in practice, it is a champion of justice and fair play--and that in the face of a grievous error and tragedy, perpetrated by all three branches of the federal government, it has the moral courage and unerring strength of its convictions to redress losses that are at once documentable and incalculable. We have before us the greatest challenge and the greatest opportunity to demonstrate that we are a nation committed without qualification and without reservation to transforming the American Dream from a simple abstraction into a substantive reality--a dream that the Nikkei community, like all Americans, has been pursuing for the past century.

Gordon Nakagawa,
Legislative Committee
National Coalition for Redress/Reparations

ENDNOTES

[1] Leonard Broom and Ruth Riemer, *Removal and Return: The Socio-Economic Effects of the War on Japanese Americans* (Berkeley: University of Calif. Press, 1949), p. 203.

[2] See the Legislative Committee, National Coalition for Redress/Reparations, "The Moral and Monetary Basis for Redress/Reparations," unpublished document, September, 1982.

[3] Commission on Wartime Relocation and Internment of Civilians Report, in *Chicago Sun-Times*, June 16, 1983.

[4] The discussion in this section is derived from Harry H. L. Kitano, *Japanese Americans: The Evolution of a Subculture* (Englewood Cliffs, N.J.: Prentice Hall, Inc., 1969); U. S. Cong. Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied* (Washington, D.C.: GPO, 1982); Roger Daniels, *The Politics of Prejudice* (Berkeley: Univ. of Calif. Press, 1962); and Robert A. Wilson and Bill Hosokawa, *East to America* (New York: William Morrow and Co., 1980).

[5] CWRIC, *Personal Justice Denied*, p. 42.

[6] CWRIC, *Personal Justice Denied*, p. 43.

[7] CWRIC, *Personal Justice Denied*, p. 44.

[8] CWRIC, *Personal Justice Denied*, p. 44.

[9] CWRIC, *Personal Justice Denied*, p. 43.

[10] See for example, Edna Bonacich and John Modell, *The Economic Basis of Ethnic Solidarity: Small Business in the Japanese American Community* (Berkeley: Univ. of Calif. Press,

1980).

[11] CWRIC, Personal Justice Denied, p. 118.

[12] CWRIC, Personal Justice Denied, p. 119.

[13] CWRIC testimony, Los Angeles, 1981.

[14] CWRIC, Personal Justice Denied, p. 117.

[15] CWRIC, Personal Justice Denied, p. 122.

[16] CWRIC testimony, Los Angeles, 1981.

[17] CWRIC, Personal Justice Denied, p. 117-118.

[18] Bonacich and Modell, p. 102.

[19] Cf., Legislative Committee, NCRR, pp. 13-16.

[20] Legislative Committee, NCRR, pp. 17-18.

[21] Telephone conversation, Little Tokyo Service Center, August 8, 1984.

[22] Ben Tong, "Long-Term Consequences of the Nikkei Internment," East Wind, 2(Fall/Winter 1983), pp. 51-53.

[23] Bill Marutani, "Is 'Redress' Money a Sort of Haji?," Pacific Citizen, February 17, 1984, p. 7.

Senator STEVENS. Mr. Kumamoto.

TESTIMONY OF JUNJI KUMAMOTO

Mr. KUMAMOTO. Honorable Senator Stevens and respected staff members, thank you for this opportunity to speak to you. My name is Junji Kumamoto, a former inmate of an American concentration camp.

We are all here today 42 years after the event because for some issue, society has to change before the slow wheels of justice can even turn.

Major social progress must occur before some of us are even allowed to ask questions about unresolved problems buried in the past.

I am here today not because I was an innocent victim, but because I believe that the Constitution of the United States is worth the effort it takes to defend it.

The most important question before you today is not directly stated, but the actions of your committee and Congress will determine whether the Constitution is the supreme law of the land and applies to all governmental agencies, and whether all Americans are equally protected by it.

Is the U.S. Army exempt from its rule, and are some Americans not entitled to the equal protection of the law.

The congressional Commission on Wartime Relocation and Internment of Civilians unanimously concluded that a grave personal injustice was committed by the U.S. Government during World War II.

They also unanimously concluded that there was no military necessity based on a pending invasion to justify these actions.

It is important to recognize the obvious, that the Army also must have known these facts. The Commission unanimously concluded that the broad historical causes for these events were race prejudice, war hysteria and a lack of political leadership.

However, the global strategic military decisions that affect the outcome of a war are not based on insane race prejudice. Actions that require 4 months of preparation before actual execution are certainly not the products of war hysteria.

The Commission did not offer more specific reasons why the Army, knowing that there was no danger of invasion and knowing that we were innocent, even of suspicion, wanted 100,000 prisoners of Japanese ancestry.

In 1976, Weglyn authored a book entitled "Years of Infamy," and presented conclusive evidence that the capture of Japanese hostages from Latin America was part of our State Department foreign policy that was in effect in early 1941—that is, before Pearl Harbor.

She showed that we were all hostages intended by the Army for human barter, and that some of us were actually traded for American prisoners. The specific reason for why the Army needed so many hostages is still unclear.

The actions taken by the Army in the Philippines suggest that they knew in advance that not only Hawaii would be attacked, but the Philippines would be attacked and invaded on December 7. By that time General MacArthur had around 250,000 soldiers on the island which included around 120,000 Philippine recruits under his command. He deployed them to their assigned positions for defense of the beaches on the day before the attack on December 7 commenced.

In January 1942, General Wainwright was trapped on Bataan with 90,000 American soldiers and an additional 20,000 naval and civilian personnel. Their supply lines were cut off and we were unable to transport relief food supplies to them.

The higher military command knew then that the only alternative to starvation would be an unconditional surrender. They were confronted with an impending military disaster that would be the greatest ever suffered by the United States. This could explain why the Army needed such a large group of hostages.

The U.S. Government accomplished this by committing the greatest violation of constitutional civil rights in the history of our country. Our capture coincided in timing and numbers with the events in the Philippines. General Wainwright formally surrendered on May 6, 1942. The details of these events in the Philippines are still kept secret and classified. It is not easy for the public to obtain this information, and possibly your subcommittee could work to declassify the documents needed for the full clarification of these claims.

I believe that what happened to us was due to a cold blooded military decision, executed as an act of marque and reprisal for the purpose of human barter, and that race prejudice and war hysteria were deliberately used to subdue any public opposition that might arise. If this is true, the situation is much worse than the Commission believes. We must restore the honor and integrity of our Constitution, and the honor and dignity that was taken from innocent Americans. We must prove to all that our Bill of Rights is not one of General DeWitt's and Colonel Bendetson's "worthless scraps of paper."

The admission that a grave personal injustice was committed, and that the Constitution was violated, must be accompanied with a significant redress. It must be made to "All persons of Japanese ancestry" who were victims of the orders from General DeWitt and Colonel Bendetson.

There are people—many people—living today, who still believe that what happened to us was reasonable and just. These views can only be corrected with the universal language of monetary redress—an apology alone will not do this.

Senator STEVENS. Thank you very much.

[The prepared statement of Mr. Kumamoto follows:]

Statement from Junji Kumamoto*

prepared for

Public Hearing of the Senate Governmental
Relations Committee on S2116

INTRODUCTION

An act of Congress established a commission in 1980 and directed it to: (1) review the facts and circumstances surrounding Executive Order 9066, issued on February 19, 1942, and the impact of such order on American citizens and permanent resident aliens; (2) review the directives of the United States military forces requiring the relocation and, in some cases, detentions in internment camps of American citizens . . .; and (3) recommend appropriate remedies.

The Commission on Wartime Relocation and Internment of Civilians was forced to labor under a legal precedence of two conflicting Supreme Court decisions.

The first three rulings, Hirabayashi, Yasui, and Korematsu cases, were decided on the narrowest possible basis with the acceptance of arguments for military necessity without any review and, in the Korematsu case, took it on judicial notice, and the actions of the US Army were upheld. On the same day as the Korematsu decision, the Supreme Court found the Department of Interior guilty of the illegal detention of Mitsuye Endo.

Despite this handicap, the commission courageously disagreed and unanimously concluded that "the promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it--detention, ending detention, and ending exclusion--were not driven by analysis of military conditions.

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*Material has been abstracted from lectures presented to History 1, UCR, 1983 and 1984. Riverside Chapter Japanese American Citizens League.

The broad historical causes which shaped these decisions were race prejudice, war hysteria, and a failure of political leadership . . . A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed, and detained by the United States during World War II."

Military decisions, which divert substantial numbers of soldiers and equipment from a war effort, and as General Clark objected, dilute the war effort, prolong hostilities and cost additional casualties, cannot be based on simple race prejudice; and decisions that require advance preparations of months before the actual execution takes place, are certainly not the products of war hysteria. These factors certainly contributed to the results but may not have been the main causative factor. The questions that still need to be answered are: why would the US Army incarcerate 100,000 Americans whom they knew were innocent even of suspicion; and why would the President, his cabinet, Congress, and the judicial system allow the Army to carry out this action over a period of months, and detention over a period of 2 years before taking any action; and finally, since the Army's report claiming a compelling military necessity based on the defense of the theater was untrue (as the Commission concluded), what were the real reasons, probably still kept secret, that convinced the higher military command to divert men and materials from the war effort which necessarily prolonged the war? Why didn't the Commission try to answer these questions? Was it because the Supreme Court's decision upheld the Army's actions that stopped them from probing further?

Weglyn, in "Years of Infamy," presents a convincing argument that we were hostages captured by our own government. Walter Cronkite already concluded that we were Prisoners of War!

It was known to the US that the attack force was moving toward Pearl Harbor on November 26, 1941. At Pearl Harbor on December 7, there were 3,500 casualties, two battleships destroyed, four sunk, and a number of other vessels destroyed. One hundred forty-nine airplanes were destroyed. On the same day, the Japanese attacked the Malay Peninsula, Hong Kong, Wake Island, Midway Island, and the Philippines. On December 8, Thailand was invaded, and by December 10, two British battleships were sunk off Malaysia. On December 13, Guam was captured, and on Christmas, Wake Island fell and Hong Kong was occupied. During this time, nine amphibious landings were made in the Philippines. Manila was evacuated on December 27, and the US Army withdrew to Bataan. With Japan controlling all sea and air approaches to Bataan and Corregidor, the US military command must have known that within 3 months the troops isolated there would be forced to unconditionally surrender. The Commission omitted to report that this worst military defeat in our history involved the capture of 80,000 American soldiers! (On February 27, thirteen allied ships were lost in the battle of the Java Sea.)

On February 19, 1942, President Roosevelt signed Executive Order 9066 which authorized the US Army to exclude civilians from designated military areas based on military necessity. This authority was greatly exceeded when exclusion was used for evacuation, and completely disobeyed when evacuation became imprisonment by the US Army. We can assume that the President did not wish to give the Army the authority to take custody of civilians since he refused any request to put the West Coast under Martial Law. Since he had already declared Martial Law for Hawaii, this suggests that he made a deliberate distinction between the two areas. As the Supreme Court noted in the Endo decision, exclusion does not mean detention, so it necessarily follows that the Army had engaged in a totally unauthorized action. The recent vacation of the Korematsu Supreme Court conviction would seem to solidify this conclusion.

Marque and Reprisal

The capture of hostages was not invented by Iran when they captured the US Embassy in 1978 and took the members in our foreign service prisoners. They wanted to exchange them for the Shah of Iran (who was not in the US). A great outrage was felt by the American public when these innocent Americans were imprisoned and used for barter! In retaliation, the US froze 4 billion dollars of Iranian assets in the US, and this was instrumental in securing the safe release of our Americans through a process of exchange.

The capturing of hostages and material goods for marque and reprisal is an ancient custom, understood and practiced by all nations throughout the history of civilization. It is a constitutionally recognized and legally authorized action of the United States. Article I, Section 8, the Congress shall have power: (11) to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water . . . A letter of marque (i.e., reprisal or retaliation) confers upon the bearer an official status whereby his actions are condoned and approved by the issuing government. It is implied that the country accepts the responsibility for the acts of the bearer.

A supply of hostages serves two purposes. First, the threat of maltreatment is used to secure more favorable treatment for American prisoners. Second, they are used for exchanges usually arranged through a neutral party, where persons of equal status or station are exchanged, on a one to one basis. We can surmise about the development of a useful hostage program. The logistics probably included physical facilities, manpower and supplies for construction, manpower for guarding and administration, and supplies for the daily maintenance of 100,000 people. Having just been exposed to Hitler's propaganda techniques, political leaders prevented public objections by initiating the vicious media campaign starting with Secretary of Navy Knox and Supreme Court Justice Roberts using deliberate fabrications about widespread sabotage that occurred at Pearl Harbor ! The most useful timing would be a simultaneous unconditional capture of hostages to coincide with the surrender of our American troops.

The conditions of deteriorating diplomatic relations and economic restrictions in the period preceding the attack on Pearl Harbor created a climate of hostility by the United States against Japan. When Japan's assets were frozen in the United States before mid-1941, Japan retaliated and detained 100 American citizens and indicated that this was an act of reprisal. In August 1941, Congressman J. D. Dingell suggested to the President that the next step in the reprisal contest should be the detention of 10,000, on a 100 to 1 ratio, of alien Japanese in Hawaii and also that 150,000 additional alien Japanese in the United States be held in a reprisal reserve, whose status would depend on Japan's next aggressive move. It would be useful if the committee could determine if these sentiments were transmitted to Japan.

Four months later, Japan's next aggressive move, previously known to the higher command, was the December 7 attacks. On February 5, 1942, Secretary of War Stimson wrote to the Secretary of State Hull to request that he strongly protest the unnecessary harsh and rigid measures imposed on white civilians in the Philippines and present a threat of reprisals against the many Japanese nationals now enjoying negligible restrictions in the United States to insure proper treatment of our nationals in the Philippines. It would help to know if Hull followed this request. If this was what Stimson was thinking on this day, this was also the day that the plans for the capture of hostages, the mass evacuation-internment program, began to be drawn up and formalized in the War Department. That Stimson and the War Department included American citizens in this category of hostages was proved by Colonel Bendetson when he sent letters to American citizens in camp, to inform them they were being considered in an exchange process with Japan. If the Secretary of War felt stongly enough to threaten reprisal on behalf of civilians, it seems reasonable that he would go beyond threatening and take action with the unconditional surrender of 80,000 American soldiers.

There must have been opposition by the President to the Army's first proposal because Roosevelt did not give the Army authorization to violate the Constitution. He authorized exclusion from military areas but exclusion does not mean evacuation, nor does it mean detention or imprisonment! The Army actually disobeyed its orders in regard to Executive Order 9066.

The authorization of this act of reprisal by the Army can only come from Congress because the Constitution states in Article I, Section (8), the Congress should have power: (11) to declare war, grant letters of marque and reprisal and make rules concerning captures on land and water. The Army also violated the constitutional guidelines given here. Letters of marque and reprisal are not automatically included in a declaration of war!

Perhaps the need for hostages and reprisal makes it understandable why it seemed that there was not one judge willing to carry out a personal sworn duty to the Constitution to upold and defend it. They all refused to accept requests for writs of habeas corpus. Is there any way that you might determine why they did this?

Conclusion

We hope the Committee will understand historian James J. Martin when he described the Wartime incarceration of Japanese Americans as a "breach of the Bill of Rights on a scale so large as to beggar the sum total of all such violations from the beginnings of the United States down to that time."

The very magnitude of the issue seems to stun people into a state of logical absurdity where they complain that the offense was so great that any corresponding redress and reparation becomes too expensive for the economy to tolerate! We who were willing to serve our country and die defending the Constitution are now petitioning for a redress of real grievances.

The suffering, the humiliation and dishonor heaped upon innocent Americans, who were known not to have any cause for suspicion other than their Japanese faces, can only be alleviated by penalizing the perpetrators, the true enemies of our Constitution, and making tangible acts of redress and reparations to the victims. If you truly believe that this kind of outrage should never happen again, then you must honestly probe for all of the underlying causes and leave nothing unexposed and lurking behind for future recurrences.

In addition to the recommendations of your Commission, one way to expedite the proceedings in future transgressions would be for Congress to put a dollar value on each count of Constitutional violation. A second recommendation would be to formulate appropriate criminal penalties in order to protect our Constitution against the deliberate violations by governmental agencies!

Appendix

Some additional information on reprisal and a chronology on the capture of hostages.

Reprisal

(1) Weglyn, in "Years of Infamy," William Morrow and Co., Inc., New York (1976), first proposed that the capture of hostages was in fact a national policy, not only in the Department of War, but also in the Department of State where the mechanism for capturing hostages from outside the United States was set up before the Pearl Harbor attack, as well as a matter of entering into a reprisal contest against hostages.

The Army promised in their "Instructions to All Persons of Japanese Ancestry" that "(5) the United States government through its agencies will provide for the storage, at the sole risk of the owner, of the more substantial household items, such as iceboxes, washing machines, pianos and other heavy furniture. Cooking utensils and other small items will be accepted for storage if crated, packaged, and plainly marked with the name and address of the owner.

(6) Each family, and individual living alone, will be furnished transportation to the Assembly Center or will be authorized to travel by private automobile in a supervised group."

The precedent for giving away private property at public auction as an act of reprisal was made by Canada. However, they were more open about it because the government confiscated the private property owned by Japanese residents. The United States was not dealing with confiscated property but instead with property that they had promised to store! How did the decision to make this act of reprisal, and give away at public auction all private property entrusted to the United States Government, come about? How could they do this with property that wasn't confiscated?

Not all the automobiles were auctioned away. At Manzanar, the malicious mood of the Army is revealed in how they handled their obligations for storing automobiles at the sole risk of the owner. They dug a big hole, pushed all the automobiles in with a bulldozer, and buried them! The sadistic pleasure they enjoyed from taking reprisal on innocent victims must not be allowed to be ignored and written off as an excusable aberration.

(7) It is clear that the State Department had a policy for capturing hostages. Official State Department policy is revealed in Central America, where Japanese were arrested and turned over to US authorities who arranged for their transfer to the US. The actions were in response to the urging of the State Department to impound persons who might be considered "potentially dangerous" to hemispheric security, with the option of giving them to the care and custody of American authorities. On October 20, 1941, before the Pearl Harbor attack, Ambassador to Panama Edwin C. Wilson sent a confidential dispatch No. 300 to Under Secretary of State Sumner Welles regarding the question of internment of Japanese in the event that we suddenly find ourselves at war with Japan. "The attitude of the Panamanian Government is thoroughly cooperative. The final memorandum sets out the points approved by the Panamanian cabinet for dealing with this matter. Briefly, their thought is this: Immediately following action by the United States to intern Japanese in the United States, Panama would arrest Japanese on Panamanian territory and intern them on Taboga Island. They would be guarded by Panamanian guards and would have the status of Panamanian interns. All expenses and costs of internment and guarding to be paid by the United States. . ."

The capturing of hostages in Canada preceded the US by about a month. On January 14, 1942, all enemy alien males over 16 were moved to the interior. On February 27, total evacuation of everyone else was ordered, property and possessions were confiscated and sold off at public auction.

In Mexico, the Japanese in small settlements near the American border and coastal areas were forced to liquidate their property and move inland, a number of them to concentration camps in Perote, Puebla and Vera Cruz.

(3) Someone convinced the US Selective Service Board that I would be more valuable to the United States if I were classified IV-C or enemy alien.

(4) Since only Japan would capture American soldiers (80,000), this would explain why there was no interest in Germans or Italians. They had no value as hostages!

(5) The disenfranchisement of American citizens by race seems to be a minor irritant, but there must have been many people overtly involved.

(6) The capture of hostages by the US Army in late April and early May of 1942 coincided with the surrender of General Wainwright on May 6, 1942, both in the timing as well as numbers involved.

(7) The CWRIC went to some length to compare what did not take place in Hawaii, which was under martial law, and it would have been constitutional, with the West Coast. They attributed the main difference to the personalities of the individual commanding generals. However, if we were unable to supply our 80,000 soldiers in the Philippines, it would also have been difficult to supply a smaller island of hostages (the first alternative), and it would also have been impossible to transport 158,000 persons to the mainland because we did not have any ships for that purpose.

Senator STEVENS. Mr. Kato.

TESTIMONY OF CHARLES KATO, WASHINGTON COALITION ON REDRESS

Mr. KATO. Thank you, Senator. My name is Charles Kato. Presently I am cochairperson of the Washington Coalition on Redress.

The Washington Coalition on Redress [WCR] is comprised of 16 organizations from the Pacific Northwest area, representing over 5,000 members.

Organized in 1980, the coalition includes church, community, and veterans groups. The purpose of the organization is to provide assistance and encouragement to individuals seeking redress, educate the public on the redress issue, keep members informed on the redress effort, and assist in historical documentation of evacuation and internment episode.

Starting with the hearings conducted by the Commission on Wartime Relocation and Internment of Civilians, the WCR has been active in helping individuals testify.

More recently, through our efforts and efforts of our concern, public officials at the State, city, and school district level, theee important redress bills and resolutions have been passed in the State of Washington.

The first is a State bill awarding $5,000 to approximately 40 Japanese-Americans, former State employees who were terminated during World War II solely on the basis of their ancestry.

The second is an ordinance passed by the Seattle City Council providing $5,000 redress compensation to former city employees who were dismissed from their jobs because of their Japanese ancestry.

And, the third, is a resolution passed by the Seattle Public School Board allocating $5,000 to former school district employees who were forced to resign from their positions.

Our local public officials have demonstrated by their votes and comments, strong support for redress—including monetary compensation.

Washington State Gov. John Spellman and Seattle Mayor Charles Royer are among those outspoken supporters. In fact, on June 18, 1984, a resolution—a redress resolution—submitted by Mayor Royer, was passed by the U.S. Conference of Mayors. The resolution calls for Congress to adopt the recommendations of the Commission on Wartime Relocation, and to pay monetary compensation.

The WCR conducted a survey of the Japanese-American community in the Washington State King County area concerning the redress issue. With over 1,000 responses, the facts are clear, over 90 percent of those responding indicated that individual monetary redress is the proper response by the Government to right the wrong they had suffered.

It is this issue of individual monetary compensation that the WCR wishes to address to this Senate subcommittee. We realize that monetary compensation is undoubtedly the most controversial aspect of S. 2116. With our experience and knowledge, we believe our statements speak not only for the WCR membership, but also for the local Japanese-American community.

The Washington Coalition on Redress believes individual monetary compensation is justified and necessary. It is clear from the Commission report that the evacuation and internment was not only unnecessary, but it was also a gross violation of constitutional rights. It is for this violation of constitutional rights that monetary redress is justified.

When rights are violated, be it of Vietnam protesters, Native Americans, or, in this case, Japanese-Americans, the proper restitution dictated by our laws is monetary compensation. Therefore, let no one argue that monetary redress would be setting a new precedent. The precedent has been set many times in the past.

In fact, unless monetary redress is granted, a potentially bad precedent will be set. The reason our laws demand monetary payment is to deter future public leaders from violating citizens rights again.

What is to keep them from saying,

> Lets go ahead and lock up this group of people for a few years. We have nothing to lose. They may complain, but we'll treat them like we did the Japanese-Americans. We will just say we are sorry when we let them go and forget them.

It is unfortunate, but true, that a simple apology with no monetary compensation is not enough to stop future violations.

Some people argue that the wartime situation during 1942 justified the internment. That is frightening because it says a national crisis is a valid excuse for throwing away the Constitution. It is precisely during a national crisis that our Constitution must be its strongest. It is precisely during a national crisis when human rights are the most vulnerable and must be protected.

These same critics say that everyone suffered during the war years. Our reply to that is simple—mutual suffering during a national crisis is not and cannot be an excuse to violate an individual's constitutional rights.

So, we see monetary compensation is not only justified for the violation of the constitutional rights, but necessary to help deter future actions of this type and to ensure the vitality of our Constitution.

The amount of $20,000 compensation per former internee has been questioned. Why $20,000 and not $200 or $2 million? To help deter future violations, the payments must be large enough to make the violators think twice before doing it again, but it also should not be so large that payment is impossible.

The amount must also be of substantial size to demonstrate to the world the genuineness of our Government's apology to its own citizens for violating their rights. Although a person's rights are really priceless, the $20,000 amount is a size that seems to satisfy well the preceding criteria.

In addition, there are obvious practical benefits to the $20,000. Many of the former internees, Issei and Nisei, are old now. The internment years and the many years after being released during which they struggled to restart their lives, robbed a large amount of time from their most productive working years—time which they could have spent saving up for their retirement. The $20,000 will help replace those lost earnings.

There is an unfortunate misunderstanding some critics seem to have that Japanese-Americans are financially well off and do not need monetary compensation.

There are two things wrong with this conception.

First, there are many Japanese-Americans, particularly the Issei, who are currently living on only Social Security.

Second, this misunderstanding completely misses the point concerning the reason for monetary compensation. The $20,000 compensation is not another form of welfare. Our laws do not award compensation based upon the financial status of the plaintiff. A rich movie star is entitled to monetary compensation in a libel suit as much as any other person. Monetary compensation is first and foremost to redress a wrong; it has the additional benefit of helping to repair a little the financial damage caused by the internment.

Another issue which most people do not realize is the psychological damage which was done by the internment.

A 3-year study of the Nisei entitled "The Nisei Aging Project," funded by a $400,000 grant by the National Institute of Mental Health, was conducted by the University of Washington and completed in 1983 under the direction of Dr. Donna Leonetti.

Prior to the outset of the study, Dr. Leonetti viewed the ongoing movement for redress among the Japanese-Americans, with a rather negative view. By the completion of the study she wrote a letter to the Commission on Wartime Relocation and Internment on Civilians, accompanying a 16-page report on the Wartime Detention and Current Mental Health Status of the Nisei.

Briefly, her letter stated that although evidence of capacity to function adequately on a daily basis is present, an enormous health burden lies beneath the surface and in the shadows of the lives of the Nisei, a burden attributable to the psychic and emotional insults of the wartime treatment.

She further stated that to heal, the remedy must include apology, recognition of the sacrifices made, and substantial individual monetary compensation that does not belittle the value of the relationship.

In summary, the individual monetary compensation is justified and necessary, for the violation of constitutional rights, and to help prevent any future mass violation of human rights. This is why the Washington Coalition on Redress strongly urges this subcommittee to pass S. 2116.

Thank you very much, Senator.

Senator **Stevens**. Thank you very much, Mr. Kato. I know you have come a long way for this hearing. I appreciate it.

Mr. **Kato**. Glad to be here.

Senator **Stevens**. At least it is not as far as Washington, DC.

Our last witness for this morning is Mr. Ekimoto.

TESTIMONY OF YOSHIO B. EKIMOTO

Mr. **Ekimoto**. Senator Stevens, and members of the subcommittee, thank you very much for the opportunity to appear before your committee.

My name is Yoshio Ekimoto. I am a second generation Japanese-American, a Nisei, age 70.

I am here as an individual who has experienced the unjust evacuation and internment by my Government, to give you my testimony on the economic hardships I have suffered.

I live in the Antelope Valley, located in the northern Los Angeles County, on the edge of the Mojave Desert. This is where my Issei immigrant parents purchased land in 1912, prior to the Alien Land Law of 1913—the passage of the Alien Land Law in 1913—prohibiting ownership of real estate in the State of California by Japanese ineligible to citizenship.

Our family moved to the Antelope Valley in 1919 to cultivate and put the land into production. This is where I was farming until May 1942 when I was escorted under military guard to internment at Poston, AZ.

Right after Pearl Harbor, under proclamation by the Government, we had to turn in our firearms, our flashlights, cameras, and shortwave radios to the U.S. Marshal's office. Proclamations restricting our movement as well as curfews were issued, one by one, so we hurriedly made preparations to lease our farms, store our personal and farm equipment except those we were able to sell, usually at a fraction of their value.

Right after Pearl Harbor, until evacuation, I worked with the local sheriff's department as an interpreter because I was one of the older Niseis there, and looking back over the records, we had over 700 acres under cultivation by the Japanese in the Valley, raising alfalfa, small grains and some asparagus.

As the war progressed during our stay in the internment centers, most of the farm equipment we had stored before we left for camp, for the internment centers, was confiscated by the County Agriculture Commission because of the metal shortage and because farm equipment was hard to get.

On our return to California in 1945, I faced the reality that some of the more valuable items of firearms, cameras, and shortwave radio and flashlights had somehow disappeared and the receipts were all I had.

The farm that I returned to was in a deteriorated condition. It would have taken a considerable amount of money to put it back into production, and all the necessary farm equipment would have to be repurchased. A new well would also be required, and since the farm already had a Federal Land Bank loan for 100 percent of its value, I had no collateral left to borrow money on. So the only alternative was to sell the farm and to pay off the mortgage.

If I had been allowed to remain and work the farm, I would have been able to pay off the mortgage, make a profit and keep on going.

My estimated losses in unearned income are in the thousands of dollars, and the immeasurable losses we have suffered in personal shame and anguished suffering cannot be measure in monetary worth.

One of the losses was the loss of a baby, a miscarriage which my wife suffered due to the stress and strain of the evacuation.

Yes, some form of monetary remuneration should definitely be made to at least compensate for the economic losses suffered. A mere public apology will not suffice.

A more tangible form of redress is required so that this sort of abridgement of our constitutional rights does not happen again. Many of our fellow citizens—Caucasian friends—are not aware that a segment of our citizens spent the war years behind barbed wire internment camps.

I hope and pray that this instance of history will not repeat itself.

Recently I read in the Japanese press that Senator Spark Matsunaga was promoting an academy—a peace academy. So in the event that, due to my advanced age, I am not able to be paid or be renumerated, I hope that some of this money will go to this form of academy or teaching institution. We have an academy at West Point, Navy, Air Force and the Coast Guard Academy to teach young people how to fight, but we do not have any form of institution in any form to teach people to negotiate for peace.

Thank you.

Senator STEVENS. Thank you very much.

[Attachment to Mr. Ekimoto's testimony follows:]

ATTACHMENT TO TESTIMONY OF YOSHIO EKIMOTO

Evacuation Loss Claim Sheet

ARTICLE	1942 Value	Sold-Lost	Loss
40 acre SW¼ Sec.21 TWP8N R13W w/buildings and improvements	$20,000	$10,000	$10,000
M-D F-12 Tractor	$ 695		
M-D 16"Hydaulic Plow	$ 209		
M-D Tractor Harrow	$ 55	$ 485	$ 700
M-D Seed Drill	$ 106		
J-D Power Mower	$ 120		
J-D Side Rake	$ 142	$ 100	$ 42
Spike Harrow	$ 10	$ 5	$ 5
M-D Horse drawn Mower	$ 25	$ 10	$ 15
M-D Dump rake	$ 25	$ 10	$ 15
Hay Wagon	$ 50	$ 25	$ 25
M-D Hay press	$ 300	$ 100	$ 200
Harness 4 sets	$ 80	stolen	$ 80
Sickle grinder	$ 25	lost	$ 25
Two wheel Break cart	$ 25	stolen	$ 25
Spring Tooth Harrow	$ 10	lost	$ 10
Fresno scraper	$ 25	$ 15	$ 10
1940 ½ton Chev Pickup	$ 600	$ 446	$ 154
Evacuation preparation expense			$ 80
Lumber for crating			$ 15
Clothing for Evacuation			$ 90
Sister's Evacuation expense to join family			$ 95
Attorney's fee			$ 5
SS Springfield Rifle 45-70 cal. Model 1884 (Antique)			$ 100
Remington slide action rifle, 22cal. Model 12 #745-221			$ 45
Ranger repeating rafle, 22cal. #101-13			$ 20
Shotgun shells 20Ga. 4½ boxes			$ 9
Shotgun shells 410Ga. 25			$ 1
Rifle shells 1½ boxes			$ 1
Flashlight 3 cell (2)			$ 6
Flashlight 2 cell (2)			$ 4
Camera Agfa B-2 Speedex Jr. w/case			$ 25
Radio w/shortwave R.C.A. table Model#003506 Model16T4			$ 150
Farm expenses up to May 1942			$ 722
Unharvested income 1942 crop			$ 2,600
Farm pumping plant (motor, belt, pump etc.)			$ 750
Estimated earnings loss 1943,1944, 1945 @ $2600			$ 7,800
			$23,824
Award 9/52 Evacuation Claims Act of July 2, 1948			$ 692
		Net loss	$23,132

These loss figures are computed under 1942 prices.

Senator STEVENS. The subcommittee will recess now, and we will resume the hearing at 1:30 p.m.

[Whereupon, at 11:43 a.m., the subcommittee recessed for lunch until 1:30 p.m.]

AFTERNOON SESSION

Senator STEVENS. Good afternoon. We want to continue the hearings now of our Senate subcommittee which is reviewing Senate bill 2116.

As I stated, this bill will accept the findings and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

We have a long series of witnesses who will appear, and I do want to ask again that witnesses realize that we will print in full in the record the statements that have been submitted, and I will ask again that witnesses summarize their testimony in 10 minutes or less, so that we may be able to hear everyone who wishes to testify today.

Our first witness this afternoon is Charlotte Elam.

TESTIMONY OF CHARLOTTE ELAM

Ms. ELAM. My name is Charlotte Elam.

Chairman Ted Stevens, first I want to say that everything that I will say this afternoon, I have documentation on all of it.

The second thing I would like to say is that after the war, when the Government asked people to take persons of Japanese ancestry into their homes, our family took persons of Japanese ancestry into our home because there was a housing shortage.

Third, I would like to say that the Wartime Relocation and Internment of Civilians Commission has on page 38 of its report, "Personal Justice Denied," the following almost insane statement, "The Japanese aliens left behind a country characterized by pride, moral convictions and cohesiveness."

Moral convictions in Japan, a nation in the process of slaughtering millions of Chinese, Manchurians and so forth, a nation which had overrun Korea and forced many Koreans into slave-type labor in Japan? And Koreans in Japan still today cannot be citizens there.

Then I would like to say, chief counsel Mark Barnes, on May 19, told me that your subcommittee had already, before this hearing was ever held, accepted the conduct and the work of the Commission. He said we don't want facts at the hearings, we want opinions.

In my letter to you, I gave some documentation. I have been told the documentation won't necessarily go into the record.

In 1941 through 1945, the government of California—the California legislature—ordered a hearing into the very same thing as what you are going into now, evacuation. They had many hearings in 1941 to 1943, and they produced a 1943 booklet and a 1945 booklet. I have them here and at this time the press cooperated and they helped. You didn't have the press gone by the time you got to hearing, those that were "anti," whatever, like today.

These booklets I would like to have put into the record. These booklets after all the documentation about the millions of dollars that was being put in Japan-owned banks over in Tokyo, thousands designated it for the war effort, to kill their neighbors in China. This was American money going over there. This is documented disloyalty of the Nisei in presenting subversive records. Anything at all that pertained to massive disloyalty, this Commission censored out, ignored, distorted.

I have a list here of witnesses—they threw them all out of their report—anything that pertained to this massive disloyalty.

The conclusion of this little 1945 report says—the committee concluded that Japanese aliens, the great majority, were loyal to Japan. They concluded that Japanese-Americans—Nisei—to a great extent, were providing subversive material. They found that the Kibei were indeed definitely suspect, those that were trained in Japan.

Now, the 1943 booklet—that's this one—and incidentally, Colonel Boris T. Posh was counterintelligence for the Western Defense Command; he told the Commission that although Italians and Germans would report disloyalty, not one person of Japanese descent would report disloyalty. Of course that is cut out of the Commission's report. But this little 1943 investigation booklet tells that the FBI asked a group of 1,000 Nisei—they are Americans—before the war, to just tell about the subversive activities that were going on. They refused. After the war they asked them again, they agreed; but in Peter Irons' book, "Justice at War," he said they never did report any. They admitted they never did report anything of substance.

Then in this little California 1945 booklet, it tells—Now, John Tateishi had said "We rejected our Japanese side of our dual citizenship." This tells that few Japanese-Americans ever renounced the dual side—the Japanese side of their dual citizenship.

The Commission's report says that Shintoism had a small influence in the centers, and the Japanese language schools that had Shintoist teachers in them—many of them were—they said it was often negligible, the effect of the—well, they don't tell you that. In California alone there were roughly 19,000 Japanese offspring, boys and girls, in these Japanese language schools. The Commission does not tell anywhere in its report that 11,447 Japanese-American citizens renounced their United States citizenship to go to Japan where they held dual citizenship.

Now, in addition to these 11,447 disloyal, in Japan there were 30,000 Nisei—American citizens—when the sneak attack on Pearl Harbor came there were 30,000 there. They were not suspect, they were not interned, they did not consider them disloyal in Japan, they fought in the Army for the Emperor, they were free to go about their business. They were free to brutalize and torture our soldiers as "Meatball" Kawakita did in the Bataan death march, and he was convicted of doing this and given years and finally pardoned by Kennedy—by President Kennedy—but the broadcasts that Tokyo Rose did. She was a Japanese-American citizen.

Some of them—we have documentation—that also worked in the espionage office of Japan, and those that were the ones who were most trusted went on doing that through the war.

Now, another lie in the Commission's report is that the riots in the centers were not pro-Japan rights. Why the Japanese flags then? Why the Shintoist priest giving orders at the November 1, 1943, riot? Why the shouts of Banzai at the May 27, 1943, riot?

Once the Government took, they said, an estimated 16,000 disloyals, and they separated them and put them—interned them—now you talked about internment, I haven't, I have talked about evacuation. These were interned as disloyals in the segregation center.

Why then, if these riots were not pro-Japan, why did they end as soon as that was done, in the relocation centers they ended.

Yamoto Colony, is a book published by a chapter of the Japanese American Citizens League in 1981 about two colonies up there near Livingston. They tell how, before the war, they wrapped bandages for the Japanese Red Cross, sent their money to Japan, and when Japan—I am quoting from the book—"When Japan's military expansion continued," they were proud of Japan.

Now, that was before Pearl Harbor. The Commission said that they were angry before Pearl Harbor—were they angry? They were sending all their money to Japan—not all of their money, but much of it.

To wind up, let me tell you this one thing. We have heard so much about the 442d, but there are some things that just aren't mentioned. The Commission does not mention that the most highly decorated officer in the 442d Regimental Combat Team wasn't a Japanese American, he was an American of Korean descent; nor did they mention that John J. McCloy, who urged formation of the 442d, states in his testimony to the Commission that these men were not sent into combat in the Pacific area where they would be tempted to switch sides. Only the interpreters and translators with the psychological unit were sent to the Pacific area. Many precautions were taken.

Evacuee James Oda in his book, "Heroic Struggles of Japanese-Americans," says that at the start of the war, Korean interpreters were used because they were trusted, and the Japanese-Americans were not.

In the relocation centers in the spring of 1943, the Government asked for volunteers in the military service.

Now, you have heard that they volunteered out of those centers by the thousands—1,200 volunteered. Almost five times that many refused and announced their disloyalty. These few then that volunteered had to be trained, and we are talking about training in 1943. By January 1944, I understand more were drafted, some of them from college, some of them from centers and so forth. These also had to be trained.

So, my point is, the length of service that many Japanese-Americans was comparatively short.

That, I say, because for instance in "Farewell to Manzanar," they say "the most decorated team." Gen. George Marshall said they are the most decorated team for the time, the length of time they served, and the size. And in the chapter "Yes Yes," "No No" of that book, "Farewell to Manzanar," the father in this relocation center is talking to his son who is considering signing loyalty to the United States and going into the service.

The father tells his son, "When a Japanese soldier goes to war, he must go believing he will never come back. That is why the Japanese are such courageous fighters. They are prepared to die. They expect nothing else."

After 30 years in this country, that father hadn't the faintest idea of what American psychology of war is.

President Roosevelt's front-page war prayer was for the soldier boys, "inasmuch as our cause is just," he asked God to bless and spare their lives.

I didn't want any soldier going into battle for me in a rash attitude. The 1944 draft was made after America was winning the war, and John J. McCloy in his testimony said, if the Midway battle had gone against America, if we had lost—and that meant everything so far we had lost—and if we had continued, we do not know but what some of the Nisei boys would have switched their allegiance to Japan.

Now, there were over 20,000 that signed up to go to Japan.

I would like to have these things entered into the record [1] this account of "Meatball Kawakita" in the Bataan death march, who tortured people, water torture by a Japanese-American.

But, that is what they were taught because in the schools, Shintoism taught that it was worship of the Emperor because he was a descendant of the Sun Goddess. They were taught Bushido which is treachery and brutality, like this Meatball did. Meatball Kawakita. Treachery and brutality to one's enemy, and you can use deceit and dishonor and it's honorable. This was the training that was going on in our schools, and incidentally, they are talking now about bringing those schools back in America today.

You have heard Commissioner Flemming—I haven't gone into it—but I can give you pages upon pages of documents showing the lies, including Commissioner Flemming's. At the end of it they said the Commission told—the investigation by Charles Grassley—Senator Grassley—that their minds weren't made up, they listened to everybody. They not only didn't listen, they told their lies from the stand. Flemming said his mind was all made up in San Francisco in August 1981 before the hearings were even beginning to be over. It was published in the paper that they had all decided in Seattle, yet the lies that are told, after this Commission pursued its one-way course to ram through. Joan Bernstein—I am giving you that too—she said before a hearing was even held, she was attending mock hearings with pro-redress people. She said they all agreed that the remedies were monetary—two kinds and then she lied to Senator Grassley.

Now, if you have any questions?

Senator **Stevens**. It is not my purpose to ask questions; I am here to conduct the hearings. We do appreciate your appearance and we will take those documents. Your testimony will be printed in full in the record. The items that are considered to be too lengthy under the Senate rules, will be footnoted and will be part of the committee file for all committee members and their staff to review, and I assure you they will be reviewed.

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[1] May be found in subcommittee files.

Ms. **Elam**. Well, maybe we will get a fair committee hearing some day that will enter those important documents—just like the magic cables the Commission left out.

Senator **Stevens**. Thank you very much, Ms. Elam.

[Ms. Elam's prepared statement with attachments follows:]

STATEMENT OF CHARLOTTE ELAM, c/o FACT FINDING FORUM
P. O. BOX 509506, SAN FRANCISCO, CA 94159-0506

HEARING AUG. 16, 1984, LOS ANGELES, CA. BEFORE THE SENATE
SUBCOMMITTEE ON CIVIL SVC.,POST OFC. & GENERAL SERVICES,
CHAIR: HONORABLE SENATOR TED STEVENS

Chairman Stevens and Members of the Subcommittee:

The Wartime Relocation and Internment of Civilians Commission was given the task of investigating the facts pertaining to the evacuation of persons of Japanese ancestry from the West Coast Military Zone during World War II. Their findings should be based on all the facts, but as we all are aware now, the Commission failed to even look into the Magic cables, although more than one witness at the hearings did mention the "Magic" intercepts.

There is much additional evidence the Commission should have included in its investigation and made public knowledge in its report, "Personal Justice Denied", which I will show.

But from Day #1, according to an April 4, 1981 statement by Chair Joan Bernstein, Commissioners were considering the aspects of two kinds of monetary redress (individual and a benefits fund)- per attached article in Pacific Citizen. Before hearings ever began, certain commissioners were attending mock hearings set up to rehearse pro-monetary redress witnesses, per Pacific Citizen newspaper article 4-17-81. Commissioner Flemming announced at the August 13, 1981 San Francisco Commission hearing that all their minds were made up that the cause of evacuation was RACISM, so did Commissioner Brooke. Yet Chair Bernstein actually told a Senate Subcommittee that none of the Commissioners minds were made up until all testimony was heard or read, 7-27-83 hearing.

But to get back to the rehearsing of pro-redress witnesses and the mock hearings. When the real hearings began, anyone attending them heard over and over again the same obviously rehearsed sing-song about "hurt feelings" and psycholigical damage, for which each wanted $25,000. One Seattle hearings witness was worried for fear that the high income of families of Japanese descent in the United States - 30% above average according to his quote from the 7-27-81 Wall Street Journal, might prevent their getting the billions demanded.

None of their claims of psychological damage that I heard were substantiated by evidence offered; nor were any of the pro-redress witnesses challenged. If these people had been sworn in- what a difference that might have made.

Although the Commission accepted these hundreds of unsubstantiated testimonies, dozens of first-hand witnesses' testimony, government records, documents etc. which contained evidence in opposition to the Commission's predetermined opinion- all such evidence was excluded from the Commission's report. To weed out all such evidence not in harmony with the Commission's opinion, they chopped some testimonies up, removing sections and leaving other sections in their Report. Elaine Yoneda's testimony is an example of that. Evacuee Yoneda told of a pro-Japan riot at Manzanar Relocation Center, beatings, throwing of rocks at voluntary workers making camouflage nets for the army as these pro-Japan evacuees wanted to sabotage the war effort. The Commission in quoting her testimony said there were only a handfull of these pro-Japan Black Dragon evacuees. But the Commission left out the fact that 1500 people at a time listened to the anti-American speeches that were made and that there were only 60 people on the Black Dragons' DEATH LIST- a list of those the Black Dragons suspected of being loyal to the U.S. or working to help the war effort, etc. Only 60 people were suspected of being loyal to the U.S. in a center built to house 10,000 !

Evacuee James Oda's book, "Heroic Struggles of Japanese Americans" tells the purpose of that Death List: the Black Dragons, he said, intended turning it over to Japan's invasion forces just as soon as they arrived. The Commission does not admit there was any danger of an invasion on our defenseless West Coast: "no military necessity."

When a newsman confronted Chair Bernstein with the fact that so many anti-redress testimonies are EXCLUDED FROM the Commission's report, "Personal Justice Denied", Ms. Bernstein replied that the report was a summarization, so

> "the Commission had to make assessments OF THE CREDIBILITY of the testimony. WHEN THERE WAS A CONFLICT, we did that."

(empahsis added) 6/20/84 Washn.Times

(copy attached)

C. Elam pg 3

Testimonies which the Commission EXCLUDED from its report included testimonies of:

Former Asst. Sec'y.of War John J. McCloy Br. General A. W. Beeman
Evacuee & an expert on evacuation - Rachel Kawasaki
Attorney Henry Kane, formerly Asst. Attny.Gen'l, Oregon
Counter Intelligence Chief, Western Defense Command Col. Boris T. Pash
Government worker handling evacuation- registering etc. Catherine Treadgold
Government sec'y to Major Ashworth (Col.Bendetsen) Celia Koegel
Col. Karl R. Bendetsen (in charge of centers in 1942 etc.)
Evacuee, author and writer Shonin Yamashita
Major Oliver H. Anjo Milton Isenhower
And others-

This is not to say that our top leaders weren't quoted at all in the Commission Report, but the Commission picked and chose so as to show what they wanted shown. The Commission also picked out some things they wanted to quote from the old 1943, 600-page government book compiled by Col. Bendetsen "FINAL REPORT- Japanese Evacuation from
(3) + see attached
the West Coast". However the essence of this rare old government book- its basic facts are not only EXCLUDED from the Commission's report, they are denied time after time in the Commission's report. For example, on page 146 the Commission says:

> "At Marysville, in May 1942, a group of evacuees was given leave to thin sugar beets. This situation was exceptional; from most assembly centers THERE WAS NO LEAVE." (emphasis added)

This is simply not true. Evacuees had just CHOSEN the Assembly Centers, rather than moving to inland states at the government's urging. After chosing to go to the Centers and arriving there, evacuees still could leave; the government not only permitted people to leave the Assembly Centers, the government assisted them with travel money, etc. Evacuee Shonin Yamashita, author of the book "It Had to Be So" on the evacuation testified plainly that they "CHOSE" to go to the centers. Rachel Kawasaki, an Evacuee and an expert on the evacuation, testified to this also, as did another knowledgable witness, government employee Catherine Treadgold, and others.

Colonel Boris T. Pash was allowed 5 minutes for his testimony before the Commission after which he was harrassed by them for half an hour, the crowd yelling at him that Senior Citizens were not permitted to leave the centers. This was a LIE, of course, yet Commissioner Father Drinan repeated it: "But the children and the senior citizens...there was no way by which they could escape the concentration camps, and that's what they were." When a woman in the audience, herself an authority on it and a witness, stood and said: "Colonel Pash is telling the truth," (and not Father Drinan)
+ see attached

the Commission ordered police to remove her.

WITH ALL THE LYING THAT WENT ON FROM COMMISSIONERS (more of which is detailed in my attached 7-20-83 letter to Senator Charles Grassley) it is interesting that in 1981 a Chapter of the JAPANESE AMERICAN CITIZENS LEAGUE published a book which states the truth of so many other witnesses, that all evacuees were allowed to leave the centers, including"children and senior citizens":

> "Amache was a Relocation Camp from which the evacuees were PERMITTED and eventually encouraged to LEAVE...many of the Issei (older evacuees,aliens) found PLEASURE in their LIBERATION FROM LONG HOURS of work in the fields."
>
> J.A.C.L. publication - Yamoto Colony

The Commission's report states that SHINTOISM, with its worship of the Emperor "a descendant of the Sun Goddess" (and Bushido "brutality to one's enemies honorable" and Kodo "Japanese world conquest") - WAS A SMALL INFLUENCE IN THE CENTERS! Shintoism was a tremendous factor in the lives of most adult (and many of their offspring) Japanese aliens. Details on this are found in the early pages of the old government book "FINAL REPORT" mentioned above, On page 18 of the 4-16-45 Un-American Activities report for the California Senate are details of SHINTOISM influence at a 11-1-43 riot & on pg14 are details of a May 27, 1943 "BANZAI" shouting riot.

The Commission's report tries to claim that the riots were not basically PRO-JAPAN evacuees. A serious riot was the "Pearl Harbor" anniversary riot, reported by an investigative reporter for the San Francisco Chronicle Dec. 13, 1943. And the riots in Relocation Centers stopped when the estimated 16,000 "DISLOYALS" were separated, sent to Tule Lake which became a Segregation Center.

The Commission's report, page 28, claims that "There was no evidence that ANY INDIVIDUAL American citizen (of Japanese ancestry) was actively disloyal to his country. Both the 11-1-43 riot and the 5-27-43 riot, mentioned above, involved Japanese American CITIZENS. Over 20,000 persons of Japanese ancestry renounced the U.S. and signed to go to Japan, 11447 of them were Japanese American CITIZENS, per attached chart!

The government ordered an investigation,and after years of investigation and REAL HEARINGS (published in advance in newspapers who cooperated with efforts to get at the facts), and the 4-16-45 report states that the Conclusion of those findings was that:

> "...the GREAT MAJORITY of Issei (Japanese aliens) are loyal to Japan" and "the Nisei (Japanese Americans) were to a GREAT EXTENT engaged in pro-Japanese activities before Pearl Harbor" and the Kebei (pg 9) (schooled etc. in Japan) "as a general rule, feel a deep loyalty to everything Japanese."

Counter Intelligence Chief, Western Defense Command & 4th Army Colonel Boris T. Pash testified before the Commission 8-11-81 that NOT ONE- NOT one Japanese descent person ever reported another but both Germans and Italians did report them when there was someone suspect. The California investigation of 1941-43 bore this out- see 1943 JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN CALIFORNIA, booklet for California Senate, copy attached, pg 337, 345, 346.

The Commission's "FINDINGS" are NOT ACCEPTABLE and I strongly urge you to reject them as far as the evacuation of Japanese Americans is concerned!

Charlotte Elam

* The following document submitted by the witness is on file with the Subcommittee:

Final Report - Japanese Evacuation From the West Coast, 1942, (Part 1 of Final Report) - 288 pages

Final Report - Part VII, Related Activities of Wartime Civil Control Administration (Part II of Final Report) - 321 pages

SENATE
CALIFORNIA LEGISLATURE
FIFTY-FIFTH SESSION
1943

◆

REPORT

JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN CALIFORNIA

TO

CALIFORNIA LEGISLATURE

MEMBERS OF COMMITTEE

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JACK B. TENNEY, CHAIRMAN
HUGH M. BURNS

ASSEMBLYMEN
NELSON S. DILWORTH
JESSE RANDOLPH KELLEMS, PH.D.
JAMES H. PHILLIPS

◆

HON. FREDERICK F. HOUSER
LIEUTENANT GOVERNOR
PRESIDENT OF THE SENATE

SENATOR JERROLD L. SEAWELL
PRESIDENT PRO TEMPORE
OF THE SENATE

HON. CHARLES W. LYON
SPEAKER OF THE ASSEMBLY

REPORT OF THE JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN CALIFORNIA

INTRODUCTION

Mr. President, Mr. Speaker, and members of the Legislature:

Your committee investigating un-American activities in California herewith submits its report on the investigations and public hearings held throughout the State.

AUTHORIZATION

The committee was created by Assembly Concurrent Resolution No. 13, filed with the Secretary of State January 27, 1941. This resolution created a Joint Fact-Finding Committee on Un-American Activities in California. The committee was instructed by Assembly Concurrent Resolution No. 13 to "investigate, ascertain, collate and appraise all facts causing or constituting interference with the National Defense Program in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially;" and to "investigate the activity of groups and organizations whose membership include persons who are members of the Communist Party, the Fascist Organizations, the German Nazi Bund, or any other organization known or suspected to be dominated or controlled by a foreign power, which activities affect the preparation of this State for National defense, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by State funds, or any political program." Assembly Concurrent Resolution No. 13 provides that the committee should "act during this Session of the Legislature (1941), including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature," and "to file a report with the Legislature during any Session of the Fifty-fourth Legislature and with the Legislature during the regular Session of the Fifty-fifth Legislature." Assembly Concurrent Resolution No. 13 appropriated the sum of $10,000 from the Contingent Fund of the Senate and the Assembly for the expenses of the committee.

Pursuant to the provisions of the resolution the Committee on Rules of the Senate appointed Senators T. H. DeLap, Chris N. Jespersen and Clarence C. Ward. The Speaker of the Assembly appointed Assemblymen Hugh M. Burns, Jesse Randolph Kellems, James H. Phillips and Jack B. Tenney. In compliance with the provisions of Assembly Concurrent Resolution No. 13 the committee, as appointed by the Rules Committee of the Senate and the Speaker of the Assembly, selected Assemblyman Jack B. Tenney as its chairman.

Before the final adjournment of the Legislature in 1941, the Rules Committee of the Senate declined to make a further appropriation for the use of the Joint Fact-Finding Committee created under the provisions of Assembly Concurrent Resolution No. 13. On June 13, 1941, Assemblyman Jack B. Tenney, the Chairman of the Joint Fact-Finding Committee created under Assembly Concurrent Resolution No. 13, offered House Resolution No. 277 to the Assembly. House Resolution No. 277 was adopted by the Assembly. This resolution contained nearly the same provisions as Assembly Concurrent Resolution No. 13, except that it created an Assembly Fact-Finding Committee on Un-American Activities in California of five members of the Assembly to be appointed by the Speaker and appropriated the sum of $15,000 from the Contingent Fund of the Assembly for the expenses of the committee. The Speaker of the Assembly thereafter appointed Assemblymen Hugh M. Burns, Nelson S. Dilworth, Jesse Randolph Kellems, James H. Phillips and Jack B. Tenney to serve on the Assembly committee. Subsequently, the members appointed by the Speaker selected Assemblyman Jack B. Tenney as its chairman. Later in the year Senators T. H. DeLap, Chris N. Jespersen, and Clarence C. Ward resigned from the Joint Fact-Finding Committee created by Assembly Concurrent Resolution No. 13. Although the committee sat during the greater part of its existence as an Assembly interim committee, it nevertheless retained a majority of the members of the Joint Fact-Finding Committee.

Senate Concurrent Resolution No. 8 was introduced by Senators Jack B. Tenney of Los Angeles County and Hugh M. Burns of Fresno County on January 8, 1943. It was unanimously approved by the Senate and was adopted by the Assembly with but five dissenting votes. Pursuant to its provisions the Rules Committee of the Senate appointed Senators Hugh M. Burns and Jack B. Tenney and the Speaker of the Assembly appointed Assemblymen Nelson S. Dilworth and Dr. Jesse Randolph Kellems. The committee in its first meeting elected Senator Jack B. Tenney its chairman.

The committee, therefore, acted at all times under joint authority of the Senate and the Assembly of the California Legislature. For this reason your committee makes its report to both houses of the California Legislature.

ACTIVITIES OF THE COMMITTEE

Between July 28, 1941, and March 1, 1943, the committee conducted 30 days of public hearings in the State of California. The dates and places of these hearings are as follows:

Los Angeles, July 28, 29, 30, 31, and August 1, 1941.
Los Angeles, October 14, 15, 16, and 17, 1941.
San Francisco, December 1, 2, 3, 4, and 5, 1941.
San Quentin, December 6, 1941.
San Diego, February 19, 20, and 21, 1942.
Los Angeles, February 23, and 24, 1942.
Los Angeles, March 24, 1942.
Fresno, May 22, 23, 1942.
San Francisco, May 25, 26, and 27, 1942.
Los Angeles, December 16, and 19, 1942.
Los Angeles, February 27, and March 1, 1943.

In addition to the above specified public hearings, the committee met in executive session on a number of occasions. During the two years existence of the committee it has taken 16 volumes of testimony-transcript numbering 3,980 pages. Hundreds of exhibits have been introduced in connection with the testimony of witnesses and are attached to the original transcripts of testimony. In addition to these records, the committee has gathered hundreds of pamphlets and circulars. Attaches of the committee have subscribed to subversive publications and have systematically checked them during the life of the committee. In addition, the committee has filed and indexed nearly 14,000 cards listing the activities of as many individuals in California. This part of the committee's work is incomplete due to the lack of funds for the employment of necessary attaches.

The committee has attempted to probe the activities of the groups enumerated in the resolutions creating the committee, such as the Communist Party, the Nazi-German Bund, the Fascist organizations and kindred groups.

The members of your committee unanimously selected Mr. R. E. Combs of Visalia as Chief Investigator. Investigators were hired from time to time in northern California and in southern California and in all cases these investigators did an outstanding patriotic work. Thomas L. Cavett did a great deal of work for the committee in the southern part of the State and Harry T. Machell did splendid work for the committee in the San Francisco area. The committee had a number of volunteer investigators who did extensive work without compensation and at their own expense. Among these your committee wishes especially to mention Mr. W. Bruce Pine of Los Angeles. Mr. Pine was attacked in San Francisco in a trap that had been laid for the committee's chief investigator, R. E. Combs, and had to be hospitalized. The American Legion and its committees assisted in every instance. Ben S. Beery, Chairman of the Americanism Committee of the Seventeenth District, American Legion, rendered your committee valuable services. The Veterans of Foreign Wars, the Anti-Defamation League and other similar groups assisted the committee in every possible manner. Many other patriotic and civic organizations who do not desire publicity, likewise rendered invaluable service.

Dr. John R. Lechner, executive director of the *Americanism Educational League* did especially fine work in the Japanese field, collecting many documents and statistics concerning *Issei* and *Nesei* Japanese. His report, *Playing With Dynamite,* prepared by him in his capacity as chairman of the *Americanism Commission* of the 23d District of the *American Legion,* is well worth study in connection with the Japanese problem.

Particular mention must be made of the work of Mrs. Linnie Terry, committee secretary, who labored night and day preparing the material and typing the entire manuscript of this report.

To all of these patriotic individuals and groups, and the many others who are not named, but whose fine assistance is acknowledged, the members of the committee extend their sincere thanks.

From the very inception of its work the members of the committee were cognizant of the fact that all subversive activities are tinged with sensationalism and that facts developed by investigations and public hearings necessarily lend themselves to publicity. The committee and its members, therefore, endeavored in every way to conduct the hearings with dignity and restraint, sometimes under most trying circumstances.

Before hearings on any phase of the committee's work were planned, an intensive study was made of the ideological background of the particular movement under investigation. Its literature was secured and read. Hearing briefs, covering all of the points concerning the organization, its leaders, members and activities, and the questions to be asked the witnesses and the exhibits to be introduced in connection with witnesses' testimony, were carefully prepared. The order and appearance of witnesses were carefully planned so that the committee's transcript would show a clear, systematic and chronological sequence. To preserve clarity and continuity throughout, the examination of witnesses was conducted by the committee's chief investigator, Mr. R. E. Combs. At the conclusion of the prepared questions from the hearing brief, the members of the committee asked such questions as occurred to them during the chief examination of the witness.

The committee, at all times, cooperated closely with the intelligence units of the armed forces and with the Federal Bureau of Investigation. Representatives of the committee have worked for weeks at a time with the agents of Federal departments. It was found the elastic powers of your committee were exceedingly helpful to other law enforcing agencies. The committee, empowered to subpena witnesses and to examine them under oath, not being bound by the rules of evidence and armed with the power to punish for contempt through the initiation of proper criminal proceedings, and for perjury in the event that crime might be established, cuts through the technical restriction of other investigative units which are primarily law-enforcing in character rather than fact-finding.

The newspapers of the State of California played an important part in the work of the committee. Nearly every newspaper in the State carried concise and clear reports of the public hearings and contributed greatly in exposing the machinations and activities of subversive groups within our borders. Your committee wishes to state emphatically that subversive organizations wither and die under the penetrating search-light of publicity. The newspapers of California have contributed no small part in patriotically checking these termites in their efforts to undermine and sabotage our government.

AMERICANISM

The committee approached each separate subversive problem on the premise that any group that attacks the Flag, institutions, traditions, Democracy and Constitution of California and the United States is un-American *per se*. The members of the committee, at all times, kept in mind the Bill of Rights and its guarantees to the people of the United States. The committee has, at all times, carefully distinguished between criticism of our form of government and design for its destruction. We have been aware, at all times, of the right of every citizen to criticize, to discuss, and to propose changes in either our laws or our economics. We have never lost sight of the right of the individual, or of a group of individuals, to propose changes in our laws and in our government by constitutional methods. We have, therefore, concerned ourselves with those individuals and groups who are determined to sabotage and forcibly destroy the government under which we live and to which we owe our allegiance. The committee is happy to report that such individuals and groups are in the minority but wishes emphatically to state that *because* of this minority status, these groups have evolved techniques and tactics that more than offset the smallness in numbers of their adherents. They present a real and tangible threat to our institutions, our Democracy, our State and our Nation.

ISMS VERSUS DEMOCRACY

The members of the committee have been asked from time to time to define un-American and subversive groups. We believe that any organization, individual or group in California or in the United States, controlled, directed or subsidized by a foreign government or agency, either by direct instructions or sympathy with or adherence to foreign *isms* inimical to the Constitution and Democracy of the United States, and which have as their ultimate objective the changing of the policies of, or the government of, the United States in accordance with the wishes or directions or ultimate objectives of such foreign government, are un-American and subversive.

Considerable study of Communism, Fascism, and Naziism has been made by the committee and its representatives in contrast to American Democracy. We find, generally, that all of these *isms* are inimical to the most fundamental principles of Democracy under the Constitution of the United States. Communism, Naziism and Fascism differ one from the other only in minor technicalities. The committee finds that:

1. Communism, Naziism and Fascism are totalitarian dictatorships.

2. Communism, Naziism and Fascism abolish all respect for personal dignity and individual rights.

3. The individual under Communism, Naziism or Fascism is deprived of any legal protection whatever against acts of force or brutality by representatives of his respective government.

4. All three forms of government have in common a complete and thorough contempt for liberalism, parliamentarism, humanitarianism, majority opinion or democratic procedure. All three *isms* are founded on intolerance and are committed to attaining their ends by the application of ruthless force and brutality.

5. Under Communism, Naziism or Fascism the imposition of *group interest* over individual right differs only in respect to the group favored. Under Communism, it is the proletariat and under Naziism and Fascism, the lower middle classes of the people.

6. Communism, Naziism and Fascism are *single* party systems. Party members under all three systems are exalted over the remainder of the people and constitute a *class* under which new caste distinctions emerge. The *National Socialist Party* of Germany under Hitler at the outbreak of the war numbered about 3,000,000 people out of the total population of Germany, and the Communist Party of Russia had about the same numerical strength. Only party members in Germany or in Russia have anything to say whatsoever about the conduct of their respective governments.

7. Class warfare is the approved, accepted, desirable and legitimate means used by Communism, Naziism and Fascism for the attainment of their respective objectives.

8. Communism, Naziism and Fascism have a common history of terror and intimidation. The Blood Purges of 1934 in Germany are illustrative of the Nazi technique in overcoming opposition and have their counterpart in Soviet Russia in the physical mass liquidation of entire populations in the Ukraine and in the Communist trials and mass murders of 1937.

9. The Communist, Nazi and Fascist dictatorship share the doctrine of expansion by force beyond their own boundaries; not only conquest by the sword, but conquest by propaganda, and political penetration as well. The Fascist invasion of Ethiopia, the Nazi attacks upon Austria, Czechoslovakia, Poland, Norway and Western Europe in general, and Soviet Russia's attack on Finland, Poland and Rumania before Hitler's invasion of Russia, are typical illustrations of conquest by the sword. Nazi propaganda and front organizations under direct supervision of Berlin, Communist propaganda, front organizations and activities throughout the United States under the direct supervision of Moscow and Fascist propaganda and organizations under the direction of Rome, are illustrations of the political penetrations of these three totalitarian states.

Constitutional democracies are best described today as being "in the middle." The end of the war, with its necessary dislocations and readjustments, will make this fact even more apparent. On the one side is Communism and on the other, Fascism. Regardless of the outcome of the war neither ideology will be destroyed. While there is little difference between them, each flourishes and grows strong in its antagonism against the other. Naziism, and its *German-American Bund* mouthpiece in America, recruits members and sympathizers on the basis of its *race hatred* and *anti-Communism*. Russia, through its mouthpiece, the Communist Party of the United States, recruits members on the basis of *class hatred* and *anti-Fascism*. Constitutional democracies are caught in this vicious "squeeze-play." We have yet to see an *anti-Nazi Communist League*.

The successful adjustment of our economic life in the United States to industrial and agricultural mass production; the successful adjustment of the increasing use of machines to the decreasing use of labor within the framework of our Constitution and its Bill of Rights is the real problem facing American Democracy today. Many of our people, including public officials, appear to have lost sight of this real problem in the midst of the hullabaloo raised by the conflict between Fascism and Communism. American Democracy has been sitting idly by, quizzically watching the life and death struggle of two beasts of prey, little realizing that Democracy is the prize to be devoured by the victor of the contest. America must be made to realize that it is not just Fascism versus Communism, but, actually, Constitutional Democracy versus Totalitarianism.

SUBVERSIVE GROUPS ATTACK WEAKNESSES

The United States was attacked at Pearl Harbor! This attack was a practical demonstration of what can happen to a Nation *unaware* of enemies possessed with ideological passion for world domination. The United States has no territorial ambitions. The United States has no desire to govern the people of other lands. In fighting this war we do so because we were attacked. All that the United States hopes for in victory is that the world will rid itself of the madmen; of superiority ideologies and of the crusading *isms* continually challenging the right of other Nations to live at peace at home and with its neighbors.

This global conflict is a *two front* war. It is a war of ships and tanks, of bombers and guns. It is also a war of *ideas*. In the final analysis the conflict is not simply to determine the victorious nation or nations, but to determine what *ideas* will rule the world. The United States battle fronts are scattered throughout the world. We can trace the ebb and flow of desperate battle on the world's map. It is difficult, however, to trace the *isms*, the sneaking and disguised enemies of our democracy as they ebb and flow, pulsating within our own ranks at home. Our military leaders, our engineers and our scientists have developed military equipment; we have heard of "defense in depth"; of offensive strategy; of adequate arms, but we have developed little, if anything, for the battle of *ideas*. It should be remembered that we can *win* the war and *lose* our democracy through short sightedness. If we are to win the war and retain our democracy, then we must know not only the enemy we fight with guns but the enemy we fight with ideas; we must know his strategy and the weapons he uses against us. The fanatical fighting zeal of the subversive enemies within our midst must not only be met with equal zeal but must be surpassed in faith for our democracy and our form of government.

What kind of people are we fighting on the home front? Your committee is prepared to state that they are trained, iron-disciplined and inspired with a zeal and purpose to wipe out our way of life. Are we, as Americans, trained and disciplined and inspired with zeal to continue our way of life? Are we prepared for this war at home?

We are fighting a *total* war. We should demand nothing less than *total* victory. It is the responsibility of the Legislature to enact suitable laws for the protection of the community, the State and Nation from these subversive organizations, but laws are not enough. We need a *fighting faith* for our Democracy, our Constitution and our way of life.

PART VI

JAPANESE ACTIVITIES

On December 1, 1941, there were about 122,000 Japanese living on the Pacific Coast. About 96,000 of this number were citizens of the United States by virtue of the accident of birth. Alien Japanese are not eligible to citizenship under the Oriental Exclusion Act. The alien Japanese are known as *Issei.* Those born in the United States of Japanese alien parents are called *Nisei,* or second generation Japanese.

Subversive activities of the Japanese in California can not be understood, analyzed or combated without some knowledge of the Japanese religion and Japanese state philosophy. The result of the Japanese religion and state philosophy is a fanatic nationalism unknown anywhere else in the world.

Among the witnesses called and examined by the Committee on Japanese Activities in California were the following:

Roy Hampton
Dr. Yu-Shan Han
Masao Kubose
Dr. John Lechner
P. D. Perkins
George Knox Roth
Carl Kazufumai Sato
Joseph Shinoda
Tokie Slocum
Togo Tanaka
Fred Masaru Tayama
Edward L. Thrasher

1

KEBEIS

Every *Nisei* (second generation, American-born Japanese) who makes a voyage to Japan for the purpose of pursuing "cultural training" is known as a *Kebei.* There once were so many *Nisei* in Japan that local Japanese leaders on the Pacific Coast became embarrassed and an effort was made to bring them home in order to avoid suspicion against the Imperial Government of Japan. In this connection Dr. John Lechner quoted the *Hawaiian Sentinel* of January 27, 1938, as follows:

> "As the result of the Manchurian incident and the spectacular performances of Japanese athletes in the recent Olympic Games, the love of Japan reached its boiling point among the second generation Japanese, who possess American citizenship rights. Things Japanese attract them so much that hundreds of these American-born youths are returning steadily to Japan for education. So great is this exodus of promising youths, that Japanese on the Pacific Coast are faced with a great catastrophe of losing their cherished rights which took them almost 50 years to gain.
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> "At a joint meeting, held recently by the Los Angeles Japanese Association and Los Angeles Japanese Chamber

> of Commerce, it was unanimously moved to call back the second generation now in Japan. The Wakayama Prefectural Association in America formed an organization called 'Association of Calling Back Second Generation,' and sent Shiro Fukioka, 59, General Secretary of Los Angeles' Japanese Chamber of Commerce, as special envoy. The Foreign Office was so moved by Fukioka's plea, that it has sent out word to all immigration organizations in different prefectures to encourage a united drive, using this slogan, 'Second Generation Return Immediately to America!'
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> "Fukioka, who has spent nearly 40 years in Pacific Coast States, says thus in part:
>
> 'There are roughly about 20,000 American born youths between the ages of 18 and 25 residing now in Japan. Being high school graduates, they are well versed with the conditions and things of Japanese and would make ideal immigrants to North America.' "

Among the affiliated *Kebei organizations*, Dr. Lechner lists the following:

Wakayama Seinen Kai
Hiroshimia Seinen Kai
YMCA Wakagusha Kai
Shinykai
Kana gawa Deshikai
Kebei Division of YMCA
Kai Nippon Seinenkai
Kebei Seininkai of Kinto Kyokai
Kebei Seinen of Buddhist Church
Kebei Division of Zenshu Zi

2

DUAL CITIZENSHIP

Dual citizenship among the *Nisei*, or American-born Japanese, has been extensively practiced in California. Many Japanese-American organizations in California have vehemently denied the existence of dual citizenship among the *Nisei* but the evidence is quite overwhelming that it did exist up to Pearl Harbor.

3

SHINTOISM

Many Japanese witnesses were examined on Shintoism, the State religion of the Japanese Empire, and the members of the committee and its representatives did considerable research on the subject. Many of the witnesses explained the traditional and deep-rooted traditions of the Japanese—Emperor and ancestor worship and the mental and emotional forces which explain the religious fervor the Japanese carry into combat and the contempt in which they hold death in battle.

Every true Japanese believes that the first Emperor, Jimmu Tenno, who reigned in 660 B. C., was descended directly from the Goddess of the Sun and that the whole race, therefore, is descended from divine ancestors and consequently superior to any other race on the face of the earth. The Japanese are taught from the cradle to revere the Emperor as the son of the Sun Goddess. This same reverence is displayed toward the parents and grandparents and manifests itself in ancestor worship. These beliefs bind the Japanese together over the world creating a sense of nationalism unknown to any nation or race. These beliefs are so thoroughly indoctrinated into the minds and hearts of the Japanese that few of them ever actually renounce their allegiance to the Emperor of Japan and when they actually become citizens of a foreign country they do so as a matter of form with their minds and hearts still in the Japanese Empire.

Dr. Yu-Shan Han was a visiting lecturer at the University of California at Los Angeles in the History Department. (Volume IX, pp. 2692-2715.) Dr. Han is Chinese and was born in Peking, China. He had been in the United States since 1941. He had formerly lectured at the Peking University under Dr. J. Layton Stewart. He holds a Ph.D. from Boston University. He had been at the University of California at Los Angeles since September of 1941, taking the place of a Japanese "who could not get back." He once taught Dr. H. A. Kung, brother-in-law of Chiang Kai-Shek, who is now at Harvard University.

Dr. Han stated that he was familiar with the ideological background of the Japanese Empire. The early history of Japan is referred to as the Age of the Gods or the Age of Mythology. The Japanese people believe that the Emperor of Japan is a direct descendant of the Goddess of the Sun and the symbol, relating ideology to the Japanese is the mirror, the sword and the jewel. He stated that the sword represents force. He narrated the early history of the Japanese Government. A military family throughout Japanese history dominated the entire country by force—there were many struggles in which the *Shoguns* secured control. He stated that *Shogunate* is a military class in Japan. A dual system of government resulted with the spiritual head in the Emperor and the actual leadership with the *Shoguns*. He stated that this situation existed for about 12 centuries. This long period of unbroken domination by the *Shoguns*, in Dr. Han's opinion, makes it very difficult to indoctrinate the Japanese with Western or Occidental ideas; a much more difficult task than to indoctrinate the Chinese people with Occidental ideas.

He narrated the planned system for the development of Japan laid out in the Nineteenth Century by Baron Okubo. He stated that this plan was worked out in decades, or 10-year periods. The first 10 years were devoted to internal development; the next 10 to educating Japanese in foreign schools so that they might learn and master foreign manners, languages, and ways; the third period to the development of economic intercourse with the outside world; the following 10 years to the building of a huge Army and Navy, and the final 10 years to the achievement and the ultimate goal which was designed to lead the yellow nations to conquest and victory against the white race. He stated that Baron Okubo was succeeded by Baron Tanaka who developed Okubo's plan. Baron Tanaka wrote a report and sent it to the Emperor and it became known as the *Tanaka Memorial.* Baron Tanaka proposed that Japan develop a foothold in Asia, Korea, Manchuria, North China, French Indo-China, China proper, Thailand, Burma and so on.

Dr. Han had been a victim of the *Black Dragon* terror when he attempted to introduce western ways into China in opposition to the Japanese Puppet Government. A friend of his was assassinated in April and in June he personally received "the threat." Realizing that the members of the *Black Dragon Society* were in deadly earnest, Dr. Han left China. He stated that he did not believe that the American public had paid much attention to the real facts concerning Japan. "You good Americans are too gullible," he said dejectedly.

He stated that Shinto doctrines are principally Emperor worship and the worship of military leadership. *"Of all flowers, the cherry; of all men, the Samurai!"* Japanese parents maintain a strict discipline over their children and the children are taught to be obedient.

Masao Kubose was a Japanese Buddhist minister in Los Angeles. (Volume X, pp. 2998-3002.) He stated that he had been in charge of the Buddhist church located at 118 North Mott Street in Los Angeles since October of 1941. He differentiated between the *Buddhist* and *Shinto* religions. He stated that there exist several sects of Shintoism and that one of these sects is a pure state religion, in which the worship of deities in the mythological history of Japan is a unique feature. All Shintoists believe that the Japanese are descendants of gods, created from a union of earthly and heavenly gods. They believe that the Emperor of Japan is a direct descendant in an unbroken line from the Goddess of the Sun and that he is the divine representative of the Sun Goddess on earth.

He explained that Yamato meant Japan or Nippon. *Yama* means mountain; *to* means gates—*Yamato,* therefore, means, *where many mountains are.* When Chinese culture intruded, *Yamato* came to signify, *"to put in great harmony,"* so that it now means *"a great harmony."* The word really has two meanings, one of which is geographical and the other ideological. The word finally became *Yamado* and the word *domoshi* was added so that the meaning became *"the great soul of harmony."* Hence, the Japanese, no matter where born, are proud of the blood of *Yamado domoshi* (or Yamato Damashii), the ideological *"great soul of harmony"* binding him to Japanese everywhere.

Kubose disclaimed any knowledge of Shinto temples or schools in the City of Los Angeles. He ventured the opinion that the Shinto sect should be permitted to function in the United States, stating, "Their full aim is to heal the sick and to do public service." He stated that some of the Shinto sects "promote good business, etc." These particular sects, Kubose stated, are not the sect of Japanese State religion. He agreed that the Shinto sect of Japanese state religion should be prohibited in the United States.

Dr. John Lechner testified (Volume XVI, page 3051) that Dr. Shunzo Sakamaki, Assistant Professor of History of the University of Hawaii, published an article in the *Honolulu Star-Bulletin* for April 25, 1942, in reference to the details of the Shinto faith. He explained that in the beginning of 1941 the Japanese Imperial Government had issued an edict declaring that all Shinto priests in the United States and Hawaii and all Japanese language school teachers were from January of that year to be considered as officials of the Japanese Government. This edict, according to Dr. Lechner, amounted to actually removing the Shinto priests and the Japanese language schoolteachers from the field of religion and constituted them direct agents for the Japanese Government and all language schools as centers of Japanese espionage and propaganda. He quoted Dr. Sakamaki as follows:

> "Why have Japanese officials for the past two generations been so eager to protect the special status of State Shinto? Why have they insisted that the State Shinto is not a religion but the embodiment of Japanese patriotism?
>
> "Basically, the reason is that the Japanese Government has seen in Shinto a political tool of the greatest potency for keeping the fires of nationalism burning at white heat and making the doctrine of political absolutism in Japan virtually inviolable.
>
> "* * * Japan's Constitution of 1890 guarantees freedom of religious worship, but the Government has taken the position that State Shinto is not a religion and that, therefore, all Japanese must participate in State Shinto ceremonies, as part of their patriotic duty to the State.
>
> "* * * Operation of State Shinto here is inimical to American interests because it both directly and indirectly fosters Japanese nationalism, and arguments by Shinto champions that we can not infringe their right to free worship contradicts responsible pronouncement by Japanese officials denying the religious status of State Shinto.
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> "We are at war with Japan, and State Shinto is an arm of the Government of Japan. Amputation of that arm here in Hawaii is prerogative of our Government that can not consistently be protested by the Government of Japan."

4

JAPANESE LANGUAGE SCHOOLS IN CALIFORNIA

It is estimated that there were more than 240 Japanese language schools in California alone. Some 19,000 Japanese boys and girls attended these schools before Pearl Harbor. It is estimated that nearly $400,000 was spent in 1941 for the Japanese educational program directed from Tokyo.

Many of these schools were found to be under the direction of Shinto priests. They taught the intense nationalism of Japan and the committee is in possession of information and evidence that many of the schools were centers of Japanese propaganda and espionage.

Dr. John Lechner, chairman of the *Americanism Commission* of the Twenty-third District of the *American Legion*, Department of California, testifying before the committee in February of 1943 presented a number of photostatic documents together with a report recently compiled by the *Americanism Commission* of which he is chairman.

Among these documents is a translation by the United States Army Intelligence Department quoting the Rev. Shinryu Umehara, Japanese Buddhist priest, who had made a trip to the Pacific Coast and Hawaii for the purpose of inspecting the Japanese language schools. He stated March 27, 1934: "I felt while I was in America that the existence of Japanese schools and Buddhist organizations in the Japanese communities is grand, for they are the mother-bodies for fostering the national conscience, Japan's civilization and Japan's spirit."

Dr. Lechner pointed out that the most powerful Japanese directed organization reaching across the Pacific to weld the Japanese student in America to the Imperial Empire is the *Institute for the Education of Over-Sea Japanese.* He stated that this organization was founded on November 25, 1933 with its headquarters in Tokyo. The purpose and objective of this organization was stated in *Osaka Mainichi*: "The Institute of Over-Sea People's Education is an organization for infusing the Japanese spirit into the second generation of Japanese abroad. In other words, leave the second generation in the land of their residence but don't let them forget the Japanese spirit. In buying, select Japanese goods; in voting, cast ballots for politicians friendly to Japanese." Dr. Lechner pointed out that this objective was meant particularly for the Japanese-Americans living in Hawaii where their vote is a decisive factor.

Dr. Lechner called the committee's attention to an article which appeared in the *Rafu Shimpo*, a Los Angeles Japanese daily newspaper, owned by an alien Japanese, under date of Monday, February 17, 1941, as follows:

> "*Re-educational Plan for the Promotion of the Fatherland*"
>
> "The Niseis who were born and raised in the foreign land are to come to the Fatherland far away to find the company of the other sex. But they are confronted with difficulty coming from the differences of their habits and customs with those of the Fatherland. Here comes the problem of 'Re-education of the Nisei.'
>
> "Meantime, to make the abroad compatriots understand the position of the Fatherland under the new regime of Pan-Asiastic principles, and to unite them to act for the realization of 'Enlightened Asia,' re-education of Nisei is necessary. So, Imperial Educational Association made a budget of yen 100,000 for the education of Nisei. For this purpose, the Committee on Over-Seas Education of the Association in cooperation with the Department of Education and the Department of Foreign Affairs of the government and the Goain (Institute for the Promotion of Asia), elected secretaries and established an office for educational guidance of the Nisei. The functions of the office at present are as follows:
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> "1. Investigation of the educational conditions of Nisei, and of the living conditions of the teachers abroad.

> "2. Establishment of the fundamental plan for the education of Nisei.
>
> "3. Assistance in sending good teachers.
>
> "At present, among the teachers abroad who are teaching Nisei, a good number of them want to come to the Fatherland. Meantime, many of the teachers here in this country have the desire to go abroad to fulfill their ambitions. A proper disposal of this situation alone would make a new atmosphere in the educational field. So, this new project of the association will be successful in every way."

The Japanese language schools scattered throughout the State were strikingly similar to the *Workers' Schools* of the *Communists*, the summer camps of the *German-American Bund* and the *Italian* language schools. The ideologies were radically different, of course, but in each case a scheme for world domination was being taught youngsters; a racial superiority, along with a contempt and disrespect for America's "decaying democracy." There existed one significant difference, however, in that the *German, Japanese* and *Italian* language schools, taught children who were descended from parents of foreign extraction, whereas the *Communist* Workers' schools and the *Young Peoples' Study Classes* took on all comers of whatever nationality or race.

Dr. Yu-Shan Han testified at some length concerning the Japanese language schools in southern California. (Volume IX, pp. 2692-2715.) In the third lesson of the primer used in these schools, Dr. Han stated there appeared a phrase, "*March forward, soldiers, march forward soldiers.*" He emphatically declared that Japanese children, even though born in the United States, were indoctrinated from birth with a deep reverence for the *Samurai*. The Japanese ambition to conquer and dominate the entire world is the basis of Japanese ideology and teaching. He stated that Japanese families abroad were held strictly responsible for the lack of courage of their sons on the battlefield and this responsibility caused all Japanese parents to instill a religious-warrior fervor in the Japanese male youth and accounts for the fanaticism of the Japanese in battle.

Dr. Han touched on the deep loyalty of the Japanese, both *Nisei* and *Issei*, to the Emperor of Japan and illustrated his point by stating that a Japanese teacher in Long Beach collected tinfoil and sent it back to Japan.

Masao Kubose was a *Buddhist* minister in charge of a church located at 118 North Mott Street in Los Angeles. (Volume X, pp. 2998–3002.) He stated that *Buddhist* priests had taught in some of the Japanese language schools in California. He stated that most *Buddhist* churches maintained Japanese language schools and that the *Buddhist* priests taught the Japanese children. He believed that the Japanese language schools promoted harmony between parents and their children. He said that there were no *Shinto* groups in Northern California but believed that they did exist in Southern California.

P. D. Perkins, former "Public Relations Advisor for the Japanese Consulate" in Japan, stated that he was somewhat familiar with the curricula of the Japanese language schools in the United States. (Volume IX, pp. 2716–2747.) "My first Japanese teacher," he stated, "was the teacher of a Japanese language school." He said that in many cases these instructors were *Buddhists* or *Shinto* priests. He disagreed with other witnesses by stating that instead of a high degree of parental discipline exercised by parents over children in Japan, that, to the contrary, "the child rules the father, not the father the child." He ventured the opinion that it depended wholly on the individual Japanese as to whether he grows up to become a good citizen or not and he believed that the fact that the individual was born of Japanese parents who happen to be fanatics in their devotion to Japan had no bearing on the matter.

Carl Kazufumai Sato, American-born Japanese, stated that he was a produce salesman in a wholesale market until it was closed. (Volume X, pp. 3002–3004.) He stated that "now I am doing what I can to help the people in our church." He admitted having attended the Japanese language school "until it got too hard and I quit." He contended that he had never heard Japanese propaganda at the school he attended. He claimed to have no knowledge of *Shinto* priests teaching in the Japanese language schools and stated that he was connected with the *Buddhist* church. He stated that the *Buddhist* religion had nothing to do with Japan and he claimed that he had no knowledge of *Shinto* sects.

5

JAPANESE IMPERIALISM

The long planned and long range program of the Japanese to dominate the white races might have been clearly seen in the so-called *Decade System* of Baron Okubo, who, with his followers, believed that the Japanese Empire should adopt the method of the Occidental world in building a strong and economically sound nation. The intense belief in the divinity of the Emperor and the sense of racial superiority in the minds of the Japanese have led them to believe that they are destined for world domination. Baron Okubo divided the Empire's work into periods of 10 years each. His plan may be said to have been carried out in its entirety. Okubo, however, was not sufficiently warminded to satisfy the military clique of Japan and he was assassinated in 1877. Another plan was formulated and added to the *Okubo Plan;* an aggressive program which has culminated in war against the white world. The *Tanaka Memorial,* written by a Japanese Premiere, declares unequivocally that America must first be crushed before Japan can expect permanently to dominate the Pacific.

Many critics of the *Tanaka Memorial* looked upon it as the fantastic dream of an unbalanced mind; the weird, imaginative excursion of a Japanese sadist. Dr. John Lechner stated that it was therefore regarded with skepticism and ridiculed by American leaders.

Dr. Lechner stated that it was not until an official document was discovered in the possession of two Japanese naval commanders visiting in "Little Tokio" at Los Angeles, written by one Kinoaki Matsuo, powerful *Black Dragon,* and key man in the Japanese Naval Intelligence Service, that interest in the *Tanaka Memorial* was revived. He stated that Matsuo's analysis of the impending war, called "*The War Between Japan and the United States,*" furnished an audacious blue-print of the various stages of the war.

He stated that Matsuo outlined each step in the plans of Japanese aggression. Matsuo outlined the Japanese plan to move northward into Alaska, striking simultaneously at Hawaii in the second stage of the war. He anticipates help from the Japanese in Hawaii when the Japanese Navy makes its bid for the islands. The third stage of the war, according to Dr. Lechner's interpretation of Matsuo's work, is an all out attack on California, Oregon and Washington, with the destruction of the Panama Canal. Dr. Lechner stated: "Matsuo does not hesitate to express with all the ego and fanaticism of the Japs that the Japanese forces will attempt large scale invasion of the coastal areas. Again, Matsuo expresses the conviction of the Japanese War Council that effective cooperation may be anticipated from the *Issei* and *Nisei* residing on the Pacific Coast. Particularly when Japan would begin to crush the 'impregnable fortresses' of the Allied nations in the South Pacific, Matsuo intimates, would increased significance be given to her expectation of help from her Fifth Column in the United States. Revelations of Japanese ruthlessness and plans for wholesale sabotage made a speedy, effective disposition of the Japanese problem on the Pacific Coast more imperative."

Dr. Lechner reported plans promulgated among the Japanese agents to spread bacteria germs in the event such a step proved advantageous in undermining the morale of the American people in the final stage of the war. He stated that this is to be accomplished by dropping vials containing germs to spread bubonic plague and typhoid from collapsible airplanes to be carried to the shores of the Pacific Coast by large Japanese destroyer-submarines.

P. D. Perkins declared that he had "never heard" of pressure being brought on Japanese residents in the United States by the agents of Japan and that he had never heard of threats made against the members of families in Japan if American residents failed to obey Japanese mandates. (Volume IX, pp. 2716-2747.) (Perkins evidently desired to evade this issue.) He stated that he did not believe that the *Tanaka Memorial* or the *Okubo* (*Decade System*) exerted much influence upon the Japanese people. He stated that there is too much conflict between the Japanese for anyone to agree on a central plan (p. 2728). (Perkins apparently evaded this issue also and would not be drawn out on the present dominant faction in Japan.) He admitted that the Emperor of Japan was a figurehead but that he exerts "personal power." He pointed out that the Emperor had put down an uprising on February 26, 1937, and likewise admitted that the leaders who had been demoted at that time are now back in power. He was willing to admit that the *Okubo* and the *Tanaka* plans exert *some* influence on the present Japan program, and a "partial influence on the younger element."

He explained the meaning of the term "*Bushido,*" the moral code of *Samurai.* He stated that it is a military code and that it calls for frugal living, etc. He commented that he had never seen anyone who practiced *Bushido* very faithfully.

He claimed that part of his duties for the Japanese Government consisted in acting as a "liaison agent" (p. 2731). He declared that he did not represent the Japanese Government in the United States.

He caught the "last boat" back to the United States on October 30, 1941, the *Tatsu Tamaru*. He did not return to the United States to stay; "I expected to go back to Japan; I had no way of knowing about the war." He had made a trip to the United States in 1940, arriving in Los Angeles in May. He registered with the United States Department of State July 10, 1940, and returned to Japan on August 23, 1940. He claimed that he had not received pay from Japan while in the United States, "during the time I was registered as an agent" (p. 2734). He denied having received money from Japan for the period between May 1, 1940, and August 1, 1940. He claimed that he had received no pay whatsoever from Japan prior to the time he registered as an agent of the Japanese Government with the United States State Department (p. 2734), but later (p. 2735) stated: "I was in New York from about July 1st to about the 4th or 5th of August * * * and they were paying my expenses; the men who were with the Consulate General there * * *" He stated that while in New York he was advising the Japanese Consulate attaches "on what was happening back in Tokio." On being pressed for elaboration, he explained that he was merely relating the political gossip current in Japan.

He claimed that his translating work for the Japanese Government was confined to American newspapers and that the Japanese Government employed Englishmen to translate the newspapers of the British Empire.

He ate in the same restaurant in Tokio where the German diplomats took their meals and stated that he did this because it was the "only place to eat." He claimed that he could not travel in the same class with the diplomatic corps because of the smallness of his salary, 500 yen a month. Sometimes, he admitted, he received extra money. He explained that 500 yen in Tokio had the buying power of about $450 in America. (Perkins testified at one point that his salary of 500 yen a month was sent to his home in South Pasadena, and at another point (p. 2737-8) he stated that he received it in Tokio.)

He stated that the Japanese were unable to understand the slang used in the American newspaper articles because their English teachers had been British or Canadian. He stated that his job in translating headings from American newspapers consisted largely in translating the meaning of American slang phrases for the Japanese. He said that the Japanese Government was only interested in articles which pertained to Japan "or references to American history." They were also interested in reports on relationship between Japan and the United States.

During his first four years in Japan, Perkins taught in the education department and served as an advisor to American companies in Japan, helping them secure "a correct sales approach." He also assisted with the writing of manuscripts on Japan.

He stated that he had been working for one faction of the Japanese Government and checking on whether or not other political factions were being set up against the others. He related the incidents of a strike in the State Department in Japan in which the younger men were pitted against the older men. He claimed that it was this type of news that he carried to the Japanese Consulate in New York. He denied that he had carried documents of any nature to the United States.

He admitted that his fare to and from Japan had been paid by the Japanese Government and explained that this arrangement was made for all teachers who go to Japan.

While in New York he had conveyed "inside" information to the Japanese Consulate of the relations between Japan, Germany, Italy and Russia "at the time Germany shook hands with Russia." He stated that factions had grown up in Japan over the issue of collaboration with Soviet Russia. Oshima and Shiratori were "very much" pro-Axis. "The consul in New York was not, *unfortunately*," Perkins added. When pressed to explain what he meant by "*unfortunately*," he stated that it was meant for the man and not as opinion on his part (p. 2743). The Japanese acting-Consul in New York at the time of the bombing of Pearl Harbor was not pro-Axis, he explained.

He stated that he would have been interned had he remained in Japan.

He did not believe that the United States Government ought to take chances at this time, and stated that he believed that it would be better for the Japanese to be out of the coastal area, because some one might make trouble and "blame it on the Japanese"; they would be forced to "take the rap for it."

He had helped the American-born Japanese who were in Japan for educational purposes. He stated that many of them were homesick for America; missed Thanksgiving and Christmas celebrations. In this connection he declared that the training of American-born Japanese in Japan depended on the financial ability of the parents and claimed the Japanese Government did not finance *Nisei* training. "They don't want the *Nisei* back there, especially the girls. Men, yes; they have use for men, but a girl, under the Japanese code gets married when she's 21 * * * so they are a nuisance."

He admitted that he had contact with the Japanese Consul in Los Angeles since returning from Japan. He denied having made any report to the Consul and stated that he called on him merely because he knew his son in Japan.

6

JAPANESE PROPAGANDA

Togo Tanaka is an American-born Japanese. (Volume X, pp. 2843-2889.) He was born in Portland, Oregon, and was brought to southern California when he was three months old and has resided in the City of Los Angeles since that time. He attended the Los Feliz Elementary School and the Thomas Starr King High School, the Hollywood High School and the University of Southern California, where he graduated in 1936. He majored in Political Science. He stated that he was *no* relation, as far as he knew, to Baron Tanaka, after whom the Japanese *Tanaka Memorial* is named.

Since graduating from the University of Southern California, Tanaka has been employed on the staff of the English section of *Rafu Shimpo*, a Japanese daily newspaper published in the City of Los Angeles. The newspaper was dual in character, containing both an English and a Japanese language section. He stated that these two sections were edited by different staffs. Tanaka was the editor of the English section. He became the English editor of *Rafu Shimpo* about six months after he had associated with the newspaper. The paper had its circulation principally in southern California among the Japanese, some State-wide circulation and a small circulation in Hawaii. Hiroshi Tasaki was the managing editor of the Japanese language section of the *Rafu Shimpo*. The English editors had voice on the policy of the paper only in the English language section. He had never expressed himself in reference to the policy of the Japanese section. His knowledge of the Japanese language was very limited, according to his testimony.

He admitted that after Pearl Harbor he had come to realize that the Japanese section of *Rafu Shimpo* was subversive. He also admitted that many articles and much of the material printed in *Rafu Shimpo* had been sent from Japan and had appeared in the paper in its original form. The paper made considerable use of reprints because of its limited staff. He admitted, under examination, that much of this material was pro-Axis in flavor.

He stated that there were three Japanese daily newspapers in the City of Los Angeles before Pearl Harbor and contended that *Rafu Shimpo* was the oldest and the largest. He branded the other Japanese language newspapers as pro-Axis.

He had been the publicity manager of the *Japanese-American Citizens' League* and had handled publicity for this organization on the *Rafu Shimpo*. This was the largest *Nisei* organization in southern California and the most active. It was composed of 20 or 21 chapters. The organization had a Coordinating Committee known as the *United Citizens' Federation* which was composed of delegates from about 30 different organizations, including fruit-stand workers' unions, Y. M. C. A., Y. W. C. A. and Buddhist groups.

He placed the average age of the *Nisei* at around 21 years and the average age of the *Issei* at 59 to 60.

He admitted that most of the existing Japanese organizations were dominated by the *Issei* because of their more mature years. He stated that as the *Issei* passed away and the *Nisei* came into adulthood they more and more were taking over the organizations and, because of this situation, the *Issei* influence was waning. The influence of the *Issei*, or the older generation, it was explained, was partly due to the fact that the older Japanese held the purse-strings of the community. Because the Japanese *Nisei* showed great respect and reverence for *Issei* parents and obeyed them, they did not attempt to change the pro-Japan attitude of their parents.

He stated without equivocation that the 1940-41 Directory of *Rafu Shimpo*, published by the older generation group on the paper, was about nine-tenths subversive.

The older generation, or pro-Japan group, influenced the thinking of the younger *Nisei* generation on the matter of the Sino-Japanese war. This accounted for the *Nisei's* activity in propagandizing the

Japanese cause against China. The *Issei* influence was very strong in this connection. The *Nisei* had been taught that the Japanese were embarking on a great missionary crusade in China and building a New Order in the Far East. He stated that the non-Japanese, Caucasian American propagandists who were hired by Japan, did the same sort of propagandizing and he named "Wiggie" Williams one of the hired propagandists for Japan. ("Wiggie" Williams was subsequently indicted for failing to register as a Japanese agent with the United States Department of State.) Tanaka believed that the *Nisei* had been drawn into this ideological position because of emotional ties and that the younger generation of American-born Japanese found it impossible to become objective in face of their parents' prejudice.

He stated that the agencies that had been set up by the Japanese Consulate on the West Coast had disseminated much of the pro-Japan propaganda in relation to the Sino-Japanese war. He admitted that funds had been collected in the Japanese and Japanese-American societies for the prosecution of the Japanese war in the Far East and that this drive had started back in 1937 at the outbreak of hostilities in China and had continued through 1940 when the feeling had grown tense between the United States and Japan. He admitted that *Rafu Shimpo* had aided and had advertised these collections for the Japanese war effort in China, but added that the *Rafu Shimpo* had also engaged in "very good American activities."

He declared that there was considerable reluctance on the part of the *Nisei* to admit subversive activities on the part of themselves or their parents, which was quite natural because of dual loyalties and partly because they were confused. He stated that they tried to "gloss over" these things.

He was familiar in a general way with the Japanese language schools in southern California. The *Rafu Shimpo Year Book* listed these schools in its issues. He believed that Shintoism is worship of the Japanese Emperor and stated that the Shintoists were rabid militarists and very imperialistic.

He claimed that he did not know the exact meaning of the term "*Yamato Domoshi*" but believed that it referred to the Japanese race and culture. He admitted that "one reads in the legends" about the three Japanese symbols, the mirror, the jewel and the sword. The fanatic teachings of the Japanese "under the military clique" demanded that the Japanese people believe that they were actually descended from the Sun Goddess. It was his opinion that the *Nisei* in the United States did not generally believe this fiction and he stated that pro-Japanese consider Japan their homeland and believe that it is their God-given mission to do something for her. It was his opinion that the American-born Japanese who were educated in the United States were not generally pro-Japan; that only about 3 or 4 per cent of the *Nisei* were in the pro-Japan column.

Because he believed that Shintoism is not a religion in the strictest sense of the term, but an ideology subversive and dangerous to the Government of the United States, he stated that Shintoism has no place in this Country.

Like most Americans born of alien parents, he believed the language schools contribute considerably to bridging the gap between the *Issei* and the *Nisei* in that these schools give the children an understanding of their parents and the beliefs and language of their parents. He stated that he believed the American-born Japanese have benefited considerably from the Japanese language schools and that this education had helped many of them to secure jobs where knowledge of the Japanese language was essential. He ventured the opinion that these schools could be separated from subversive indoctrination. He suggested that such schools be brought under the supervision of boards of education. He was willing to admit that there had been, perhaps, "too much indoctrination going on" in the Japanese language schools in California. He admitted, under examination, that those persons who spoke and thought in Japanese, were the type who would be most apt to be loyal to Japan and Hirohito, while those who spoke and thought in English were more apt to be loyal to the American ideology and the United States.

He stated that the Japanese Consular offices in Los Angeles contacted Japanese-American students in the universities and schools for the purpose of obtaining personnel for Japanese Government work.

He claimed to know nothing of the rumor that the *Nisei* had received threats for their lack of cooperation with Japanese Consular agents. Generally, he stated, the *Nisei*, who have relatives living in Japan, avoid answering questions concerning subversive activities on the part of the Japanese in the United States. He knew of *Issei* who feared retaliation by the Japanese Government on relatives in Japan, but stated that this fear was greatly diminished by the growing fact of permanent Japanese residence in the United States. He said that there were very few Japanese in the United States who desired to return to Japan since 1924 when immigration from Japan was stopped. He stated that the ties between Japanese residing in the United States and relatives in Japan was not as close as the relationship between persons recently arrived from Europe and their relatives across the water.

He admitted that the majority of *Issei* are Japanese in their views and more or less thoroughly indoctrinated. He stated that this was not true in all cases. Many Japanese who came to the United States when they were very young, although counted as aliens, are American in their viewpoint. He ventured the hope that this group would receive special recognition.

Prior to December 7, 1941, the *Nisei* generally, regarded the *Japanese Imperial Veterans' Association* as "simply a society of old men." (The members of the *Imperial Veterans' Association* are Japanese who served in the Russo-Japanese war.) He admitted that, after the Federal Bureau of Investigation roundup of these veterans, that the *Nisei* learned that these members of the *Imperial Veterans' Association* had been doing more than getting together for the purpose of drinking saki. He admitted that the meetings of the *Imperial Veterans' Association* had been the centers of Japanese subversive activities in California.

He had heard "everything" concerning the activities of the Japanese fishing fleet off of California. He stated that the truth was "somewhere in between" the two extremes that had been brought to his attention; that not all of the fishing boats harbored spies, but that undoubtedly, some of them were engaged in this practice. He had heard of the Japanese fishing boats hoisting Japanese Flags when out to sea and he had heard of the "fishermen" taking soundings and photographs. He had no personal knowledge of any of these things.

He stated that many of the volunteer evacuees to Manzanar were entering into the situation in a spirit of adventure. He stated that some were bitter about it and that others were "taking it with a shrug." He felt that Manzanar should not be referred to as a "concentration camp."

Questioned regarding the *Rafu Shimpo Directory* for 1940-41, he admitted that the picture plates in the book showed Shinto priests, Shinto altars, pictures of the Emperor and Empress and other pictures, illustrating the pro-Japan leanings of the book. He stated that "we have always ripped" the pages containing the pictures of the Japanese Emperor and Empress out of the directory because the *Nisei* felt that it had no place in an American book. He identified a Japanese character on a page at the beginning of the book and explained that it meant "*Khakko Ichiu*" and, translated, it signified the Japanese "*New Order*" in the Far East. He stated that this was another page that was ripped out by the *Nisei* before the book was passed out. Characters appearing beside the names of certain Japanese listed in the directory, according to Tanaka's testimony, referred to the individual's "Ken" or Japanese "clan" or "state." It indicated where the roots of the family of the individual were.

He admitted that the directory had always been printed in Japan and stated that this was because the rates for printing were cheaper, even when the cost of transportation was included. It was distributed free of charge to advertisers and subscribers to *Rafu Shimpo* and used as a circulation builder. It listed everyone of Japanese descent of whom information could be obtained.

He explained that an illustration showing a map of the Pacific with secret American battleship information was an illustration to a story in a Japanese magazine, "King" (Ken); that it was pro-Axis and was the work of pro-Axis authors. He stated that this was typical of all magazines which came over from Japan. Japanese editorial writers on the *Rafu Shimpo* had to overcome and work against such material coming out of Japan.

The editorial policy of the *Rafu Shimpo* after December 7, 1941, was in support of the United States against Japan. Tanaka filed a number of copies of the issues of the *Rafu Shimpo* with the Committee in proof of this assertion.

He contended that community hysteria constituted a serious problem for the loyal *Nisei*. He hoped that the Americans could help the situation by attempting to secure a balanced picture of *Nisei* activities.

He admitted that *Rafu Shimpo* had maintained a Tokio Bureau for news and business arrangements. Around 10,000 copies of the directory had been printed and most of them had been distributed in southern California. A few were left in Japan and the State Departments of Japan and the United States had received copies.

Tanaka concluded his testimony by stating that he believed that many of the Japanese, and especially the younger Japanese-Americans, had been merely "misdirected" in their so-called subversive activities. He begged the Americans to give the Japanese and the Japanese-Americans credit for the things they had done in developing and furthering community interest and welfare.

7

JAPANESE SUBVERSIVE ORGANIZATIONS

Dr. John Lechner testified that as late as April 15, 1941, the Japanese *Niseis* in the Los Angeles area were challenged to indicate their loyalty to the United States Government by conducting a house-cleaning of subversive elements within the Japanese colony and cooperating with the Federal Bureau of Investigation in routing subversive individuals and groups. To this end, Dr. Lechner stated, a conference was held at a Japanese restaurant in Los Angeles and plans were laid for a mass demonstration on May 10, 1941. He stated that more than 1,000 *Nisei* gathered at the Hollywood Legion Club House in Los Angeles where the meeting was held. He stated that both Fred Tayama and Togo Tanaka, the most active leaders among the local *Nisei*, ignored the challenge for cooperation against un-American activities existing in the Japanese colony. Both Tayama and Tanaka vehemently denied the existence of subversive groups and individuals among the Japanese and Tayama angrily refused to organize any effort for cooperation with the Federal Bureau of Investigation. Nothing was done to indicate that these American leaders of Japanese ancestry were disposed to cooperate in counteracting Japanese espionage in California. Dr. Lechner listed the Japanese representatives who attended the April 15th meeting as Bob Sato, Executive Secretary of the *Japanese Retail Clerks' Union*, A. F. of L., Robbin Keneko, President, *Junior Produce Union*, Fred Tayama, President, Los Angeles Chapter *Japanese-American Citizens' League*, Shigemi Aratania, Vice President, Los Angeles Chapter, *Japanese-American Citizens' League*, Togo Tanaka, Editor, English section, *Rafu Shimpo*, H. Hori, President, *Japanese Chamber of Commerce and Industry*, S. Nagata, Vice President, *Japanese Chamber of Commerce and Industry*, and Ted Akahoshi, Executive Secretary, *Japanese Produce Merchants' Association*. Shuji Fuji, a Communist, writing in the September 1, 1941 issue of the *Doho Sha*, Japanese publication in Los Angeles, urged "immediate action to rout out by public denunciation, every sign of organization, activity, policy and propaganda that inclines to promote the pro-Nazi element in Japan among us, such as the *Japanese Military Service Men's League*." Shuji Fuji branded the *Japanese Military Service Men's League* as a dangerous fifth column structure among the local Japanese.

The *Japanese Military Service Men's League* is reported to be the work of Tadaaiki Iizuka.

The *Imperial Comradeship Society* is allegedly the American arm of the *Imperial Black Dragon Society*, the most powerful and most feared secret organization in the Japanese Empire. The *Imperial Black Dragon Society* is said to have been organized over 50 years ago for the purpose of eradicating Occidental influence in the Far East. The Dragon leaders have fostered an intensified and deep hatred for the British and the Americans. Tadaaiki Iizuka reorganized and strengthened the *Imperial Comradeship Society* and Dr. Lechner estimated its strength at the end of 1941 as 4,800. The ostensible leadership of the society was in the hands of Sakugaro Kubota, a retired

Japanese officer, whose son, stated Dr. Lechner, is Takaki Kubota, an American-born citizen and an active leader in the "patriotic" *Japanese-American Citizens' League* of Los Angeles. The *Imperial Comradeship Society* and the *Japanese Military Service Men's League*, stated Dr. Lechner, had 74 branches in 65 localities and exerted a powerful influence on the entire Japanese-American population on behalf of Japan.

The *Japanese-American Citizens' League* under the leadership of Takaki Kubota collaborated with the *Imperial Comradeship Society* and the *Japanese Military Service Men's League* in a campaign to sell Japanese war bonds on the Pacific Coast. The Japanese Minister of Finance, Seinen Ikeda, requested the *Japanese-American Citizens' League* to raise 1,000,000 yen to be deposited in the *Yokohama Specie Bank* in San Francisco.

Representatives of the committee, in preparing for public hearings on Japanese activities, inspected maps of the interior valleys of the State, whereon were depicted with the greatest fidelity highways, country lanes, bridges, police, fire and radio stations, hospitals, airports, and the detailed topography of the area. These representatives obtained considerable evidence of Japanese "Vegetable" Associations spotted throughout the agricultural regions of California soliciting funds from their members for the purchase of Japanese war bonds from the Japanese Consulate in San Francisco.

The committee's representatives also inspected photographs of the San Pedro fishing boats far out at sea, flying the Japanese flag. Japanese-Americans told committee representatives that Americans should no longer laugh at the industrious little Jap fishermen because they were "foolishly" taking soundings along the coast when they could easily buy Geodetic Survey maps which contained the information that they apparently desired. The Japanese fishermen knew that. What they were actually doing was finding whether or not the ocean floor at designated localities was soft and level and sandy, or whether it was rough and rocky to such an extent that it might injure the belly of a submarine, such as the one which lobbed its shells off the coast of Santa Barbara at American oil installations.

Dr. Yu-Shan Han, Chinese lecturer and educator, stated that the Japanese *Black Dragon Society* is both a military and "underhanded" organization. (Volume IX, pp. 2692-2715.) He stated that the members of the organization perpetrated vengeance on the enemies of Japanese plans in China. The *Black Dragon Society* indulges in sabotage, blackmail and assassination.

He testified concerning Japanese Fifth Column activities in China. He related incidents of sabotage and espionage in China by the Japanese. He told of Japanese disguised as *Buddhist* priests who measured the distances in the interior of China for future marches of the Japanese armies. He stated that agents of Hirohito tabulated the metals in the Chinese temples and other places for future Japanese confiscation

Dr. Han related instances of *Black Dragon* kidnappings and *Black Dragon* terror in China. He said that the *Society* maintains an extremely efficient espionage system in China. The members of the *Society* had detected his return to China and had been bold enough to publish the fact in the newspapers. Dr. Han smiled and said that he *"beat it."* He stated that the *Black Dragon Society* sows seeds of discord and is efficient in disseminating sugar-coated propaganda. He stated that the Japanese are highly trained in sabotage and expressed the opinion that it would be very foolish for the people of the United States to trust any of them during this time, whether they were born in the United States or not.

Japan had been an admirer of Germany for a considerable length of time and this admiration has been manifested by the Japanese in China. All German Nationals had been treated well in the Far East by the Japanese. He stated that the Japanese do not feel friendly to the Americans in the Orient. It was his opinion that the German Nazis have been putting pressure on the Japanese in China to compel them to follow policies beneficial to Germany's war aims.

He declared that the Japanese troops had been very brutal to Chinese captives and that they had been particularly vicious and cruel in torturing Chinese women. Chinese books were destroyed and the Japanese invaders took whatever caught their fancy in occupied territories. He had watched the Japanese load the property of civilians into steam launches on Soochow Creek across from the university where he had taught. He saw a Japanese Colonel take a valuable painting at the point of a gun in Hanchow.

Although he believed the Japanese people had been suffering severely because of heavy war expenditures over the past several years, that, because of their training, they would not complain. The Chinese people will resist to the very end, Dr. Han declared, because they were convinced that life would not be worth living if they were conquered by the Japanese.

P. D. Perkins was teaching the Japanese language at the University of Southern California when he testified February 24, 1942. (Volume IX, pp. 2716-2747.) He stated that he had taken the place of a Japanese on leave in the Department of Asiatic Studies under Dr. Chaening. Perkins was born in Windsor, Vermont. He had resided in Japan since 1935 and had taught English in a school in Kyoto, Japan, from 1935 to 1939. In 1939 he went to Tokio as a *"Shokutaku,"* or a "specialist." He stated that he visited in the United States in 1940 and returned again to Tokio and remained there until October 30, 1941 when he returned to the United States. He established residence and a bookstore in South Pasadena in 1940 and his wife remained there to sell books which were sent from Japan. He was acquainted with Ralph Townsend and a Mr. Williams, both of whom were convicted as agents of Japan, because, stated Perkins, "they were in the United States and I was in Japan." (p. 2718.)

On July 10, 1940, Perkins registered with the United States Department of State as an agent of the Japanese Government. He claimed that he had been released from this registration on January 9, 1942. He registered, he claimed, because he had been notified by the State Department that it would be necessary for *him* to do so. He had listed himself as a "public relations" counsel for the Japanese Consulate in New York. He stated that his duties were "a little bit technical," and explained that they were actually "not duties," but financial arrangements with the Japanese Government. He contended that the Japanese Government refused to allow any foreigner to send more than

100 yen out of Japan and that this amount was not sufficient for the living expenses of his family in the United States. One hundred yen, he explained, amounted to about $23.50 in American money.

After the *Matsuoka Ministry* came into power in Japan, Perkins stated, pro-American friends asked him to resign from his position there. "Friends and former students" arranged for him to transfer out of the State Department in Tokio so that he would be "beyond *their* control," and thus enabled him to get funds out of Japan. Perkins had registered with the United States Department of State as "Public Relations Advisor for the Japanese Consulate" and this also was his title in the Personnel Office in Tokio.

Being closely examined in reference to his duties, Perkins explained that about 90 per cent of his work consisted in translating American newspaper headlines and by-lines into the Japanese language or "the Japanese equivalent." These translations, he admitted, were then turned over to the Japanese *State Department* in Tokio. It is to be *noted* that Perkins did not turn the translations over to the department for which he was supposed to be working, the Japanese Consulate. His salary for this work from 1930 until 1940 amounted to 500 yen a month.

He stated that he "thought very highly of Yoshida Kuno," now deceased. Yoshida Kuno once taught the Japanese language and culture at the University of California at Berkeley and also at Stanford University. Perkins stated that he had taken courses under Kuno at Stanford.

He had a "very general" knowledge of the *Okubo Decade System*. He stated that the Okubo family was "one of the main families" of Japan and that the *Okubo* program was a plan for the expansion of Japan as a world power. He also was familiar with the *Tanaka Memorial* in a general way.

He claimed that the literature sold in his bookstore in Souta Pasadena was neither pro- nor anti-Japanese and described it as consisting merely of "language books" used in the university and in the Army and Navy Academy. He emphatically stated that these books did not contain propaganda and that the books he had given away were "only review copies." He admitted that he had once distributed a book comprised of the addresses on the Sino-Japanese conflict given in America by Yakachuro Suma, a Japanese. He admitted that Suma was the *Director of the Information Bureau of the Foreign Office in Japan* and that he had formerly been attached to the Embassy in Washington. "He was my superior, after Mr. Obai." (p. 2723.) He had brought the book of addresses with him from Japan. (The Director of the Information Bureau of the Foreign Office of Japan is similar to the German Propaganda position held by Dr. Goebbels in the Nazi Ministry of Education and Enlightenment.) Under further questioning Perkins admitted that Yakachuro Suma had published the book in question for him. He had "less than 50" of the books on hand at the time of testifying and stated that he had received "either $2 or $2.50 apiece for them." (p. 2724.) Perkins offered in evidence the Customs slip listing the books he had brought with him from Japan. He stated that he had also submitted this list to the United States Consular Office in Tokio.

Joseph Shinoda, a wholesale florist, testified that he was born in Oakland and lived in Southern California for about 20 years. (Volume X. pp. 3120-3126.)

He stated that he had known George Knox Roth for about a month and a half at the time of testifying. He denied that he had contributed money to Roth though he admitted having offered to "help him on some other expenses, but he refused." These "expenses" were explained as expenses that would necessarily arise out of trying to "help us"—the Japanese-American citizens. "We felt, * * * we had something to contribute and we didn't think the things that were being thrust upon us were to our best interests * * *." He stated that the offer of assistance to George Knox Roth was made at the Biltmore Hotel in Los Angeles. He had become acquainted with Roth while he (Shinoda) was "temporarily in the produce business" at the Seventh Street Terminal. Roth came there and he had seen him several times in Little Tokio.

Tokie Slocum is a Japanese member of the *American Legion.* (Volume X, pp. 3038-3048.) He had been active for several weeks before testifying in assisting Federal and State investigating groups concerned with the Japanese problem. He admitted having known George Knox Roth for about two months.

He was chairman of the *Anti-Axis Committee*, succeeding to the chairmanship after Fred Tayama had vacated it. He stated that the *Issei* looked upon the *Anti-Axis Committee* as a "policing group." A lack of discipline existed in the committee and there was much dissension and he believed that the disruption was possibly due to pressure from the *Issei.* (Alien Japanese.) He was also the chairman of the Intelligence Unit of the *Anti-Axis Committee.* The membership of this group was drawn from various organizations and was representative of the Japanese community. He claimed that the *Anti-Axis Committee* had investigated the Japanese language schools and that the committee had clamped down on them when the schools tried to reopen. He had heard of large sums of money being collected through the Japanese vegetable associations for Japan and that the money was reported being sent to Japan through the Japanese Consuls to help the war effort of Nippon. He branded the *Japanese Veterans' Association* as a pro-Japanese patriotic organization. He stated that there were a large number of alien vegetable growers in Southern California and because of the money they had invested in their ventures, it would necessarily be expeditious for them to attempt to prevent evacuation.

Joe Shinoda had invited George Knox Roth to appear before the *Anti-Axis Committee* and Slocum had seen Roth a half a dozen times since then. It was possible, he believed, that Shinoda had given Roth money for his radio broadcasts. He stated that Shinoda owned the *San Lorenz Nursery* which is the largest Japanese nursery in Southern California. He had overheard Shinoda tell Roth that he (Shinoda) would underwrite something. This conversation took place in the Biltmore Hotel.

Tokie Slocum denied having given George Knox Roth money in Simon's Restaurant as had been alleged.

He stated that he was a naturalized citizen of the United States by a special Act of Congress in honor of his services in World War I. He served in France with Sergeant York.

He declared that he had been "sandwiched in between two political feuds" and felt that city councilman Roy Hampton had been careless in his statements. He emphatically denied that he had been a "go-between" giving money to Roth raised by the Japanese.

City Councilman Edward L. Thrasher stated that shortly after the declaration of war, 39 or 40 Japanese employees under Los Angeles city civil service were informed that they would be forced to retire. (Volume X, pp. 3126-3129.) He stated that George Knox Roth appeared before the Civil Service Commission of the City of Los Angeles and demanded of the Commission that the Japanese be retained in their jobs. Councilman Thrasher placed the date of Roth's appearance before the Commission as around March 1, 1942.

Thrasher was later informed by a representative of the Mayor's office that Roth had appeared before the Mayor and had insisted that the Japs be kept on the pay roll.

Thrasher later observed a number of Japanese congregating in Councilman Norris E. Nelson's office in the City Hall. He learned that Roth was appearing in Nelson's office with the Japanese, attempting to induce Nelson to intercede for them to retain them on the city pay roll. According to Thrasher, Roth offered Nelson large insurance contracts from the Japanese if Nelson would intercede in their behalf. Thrasher testified that he received this information from one of the Japanese who had attended the meeting in Councilman Nelson's office. He concluded his testimony by stating that Councilman Norris E. Nelson was in the insurance business.

George Knox Roth first testified October 15, 1941. (Volume III, pp. 845-861.) He had been subpenaed in connection with the testimony of Tom Kirk regarding alleged wire-tapping activities in connection with Los Angeles city politics and elections. At that time, Knox testified, he had been working as a stenographer in the Department of Agriculture for the State of California and that this employment had ceased about a week before his appearance before the committee. He had been connected with the Clifford E. Clinton organization up to January 1, 1940. He offered the committee a book entitled *Los Angeles County Government; Departmental Services, 1934*, and read portions from it by Dr. Samuel C. May from the University of California outlining Dr. May's political philosophy.

After Pearl Harbor, Roth started a series of radio broadcasts over Radio Station KMTR in Los Angeles. The theme of these broadcasts, generally, opposed the evacuation of the Japanese from California's coastal area. The broadcasts were alleged to be under the auspices of the *Public Affairs Committee of Los Angeles*. The committee's representatives obtained transcriptions of Roth's broadcasts and he was subpenaed March 24, 1942, for examination concerning them. (Volume X, pp. 2908-2932; 2966; 2973-2987.)

He stated that he was the secretary of the *Public Affairs Committee of Los Angeles*. He was extremely vague and evasive as to just what the *Public Affairs Committee of Los Angeles* was, who its organizers were, the identity of its members and when it came into being. He stated that "Late in 1940 a group of former college friends * * * felt that something ought to be done * * * to improve conditions in local affairs." Acting on this "feeling" of his friends, Roth stated that he mailed out about 200 letters addressed to persons whom he knew to be interested in municipal and county affairs, and thus a *Public Affairs Committee* was "organized." It apparently had no constitution, by-laws or regulations and did not have a president, a board of directors or officers other than Roth himself. He stated that the organization met from time to time with "different ones." He claimed that he had held these meetings "for the past three months"; the last one having been held two weeks previous. He stated that the policies of the organization were the policies of the persons who contributed funds to it.

He stated that he was born in Denver, Colorado, and had resided there until 1920 when he came to Los Angeles. He did special research work under Samuel May at the University of California and attended Claremont College and the University of Southern California, where he graduated with a Masters' Degree in June of 1934. He stated that he became interested in politics about that time and had worked in Upton Sinclair's *Epic* campaign. Later he was engaged in the *Unemployed Cooperatives*. He stated that he headed the Department of Rehabilitation under the Los Angeles County board of supervisors and functioned in this capacity until June 1, 1936, when it was abandoned.

He became an investigator for Clifford E. Clinton in October of 1938 and continued in this position until March of 1939. He was again employed in this capacity in June of 1939 and continued until January of 1940. He then served with the *Citizens' Independent Vice Investigating Committee* (CIVIC). Later he was employed in the State Department of Agriculture as a stenographer and severed his connection with this department on February 28, 1942. He stated that his actual duties with the Department of Agriculture were those of a "bench chemist." He claimed that it was his job to analyze the "sprays." He was not allowed to go to those places where vegetables were displayed except when picking up samples offered by commission merchants. He stated that Japanese aliens and citizens came to his laboratory "in response to a summons" or "came in for information which was given by the chief chemist."

He claimed that the administrative assistant of the State Department of Agriculture, Mr. Cramer, had notified the *Tolan Investigating Committee* (investigating the Japanese situation in California) that he had not been employed in the State Department of Agriculture since February 28, 1942, and that this accounted for the discrepancy in his testimony before the Tolan Committee. He explained this by stating that a vacation period had been extended to him from February 28 to March 8, 1942. He added, "I didn't realize I was severed from the pay roll."

He admitted that his radio broadcasts discussed the effect of the evacuation of the Japanese from southern California. The first broadcast in the name of the *Public Affairs Committee* was on the evening of February 28 or March 1, 1942. He broadcast six times a week following the first broadcast, from 7.15 to 7.30 p.m. over Radio Station KMTR. He contended that he did not have a list of the names of the members of the *Public Affairs Committee* but stated that there were some 25 people on the committee. It was these people, Roth explained, who contributed the money to him out of which he paid for the broadcasts. The members of the *Public Affairs Committee* did not have membership cards and the organization did not maintain a bank account in the name of the committee. He stated that he did not keep books but estimated that he had received $625 or $635 altogether.

He admitted having stated over the radio that he hoped the Army would listen to reason and that the Japanese citizen-farmers would be permitted to remain in the coastal areas to produce vegetables. He stated that he had given statistics to indicate how vegetable production in California would suffer if the Japanese were evacuated and estimated that $60,000,000 worth of produce would not be produced if the Japanese were sent away. He stated that this figure was based on statistics given to the Tolan Committee and predicted on public records. He contended that Caucasians are unable to produce vegetables as efficiently or as inexpensively as the Japanese. He stated that his radio broadcasts pertained to Los Angeles County conditions. (Transcriptions of his broadcasts indicated strong pro-Japanese feeling and contained such allegations as "the Japanese have been and are our friends," etc.)

He denied the allegations of Los Angeles city councilman Roy Hampton that he had received money from a Japanese in Simon's Restaurant in downtown Los Angeles on March 11th or 12th of 1942.

Under close questioning he finally admitted he had received some money from persons of Japanese descent for his *Public Affairs Committee* broadcasts and finally estimated that the amount was "something like $510." He said that the money had been given to him by close personal friends and he refused to name these persons. He first contended that the Federal Bureau of Investigation would object if he gave the committee the names of the Japanese who had contributed funds to him for the broadcasts. He was excused while the chairman of the committee telephoned the Federal Bureau of Investigation. The bureau not only denied Roth's statement but sent two representatives to the Assembly Chambers in the State Building where the hearing was being held. Roth conferred with them in the corridor of the building and was told that the Federal Bureau of Investigation had no objection to him testifying. He was recalled to the stand and the questions were put in many ways and he still refused to name the Japanese. Charges were preferred against Roth and he was tried and convicted for violation of Penal Code Section 87 in the Municipal Court of Los Angeles.

Fred Masaru Tayama was a former restaurant operator, insurance broker and, at the time of testifying, an evacuee at Manzanar. (Volume X, pp. 2961-2965—2968-2972—2988-2990.) He was born in Honolulu and had received a Bachelor of Science degree in electrical engineering from the *A. R. Muir Institute of Technology* of Chicago. He stated that he had resided in southern California since 1929.

He was familiar with the *Japanese-American Citizens' League* with headquarters located at 2031 Bush Street in the City of San Francisco. He stated that there were 66 chapters and approximately 20,000 members with about 7,000 of them in southern California. He stated that to be eligible for membership in this organization, the applicant must be an American citizen of Japanese parentage, 18 years of age or over. He stated that the organization checked up on the birth certificates of applicants for membership and that applicants were compelled to sign an oath of the truth of the statements contained in their application. He stated that he was, at the time of testifying, the chairman of the Southern California District Council of the *Japanese-American Citizens' League* and that he had held this position since September of 1941. He stated that the chairman heads 20 chapters in the Southern District Council, which covers San Luis Obispo south with one chapter in Phoenix, Arizona.

After December 7, 1941, the *Japanese-American Citizens' League* had created an *Anti-Axis Committee.* It had been formed voluntarily and Tayama had called the *Nisei* leaders together in Los Angeles immediately upon receipt of the news of the attack on Pearl Harbor. He stated that by 5 p.m. on the day of December 7, 1941, the *Anti-Axis Committee* had been organized in the office of the *Rafu Shimpo.* An Intelligence Unit was set up in the *Anti-Axis Committee* to assist Federal officials with problems pertaining to Japanese-Americans and aliens and to report on subversive activities.

He was also a member of the Japanese Y. M. C. A. and served on its Board of Directors. He was a member of the Japanese Union Church (Christian). In support of his contention that he had been expatriated from Japanese dual citizenship, he offered the committee a letter from the Japanese Consul General in San Francisco dated December 10, 1925, confirming his expatriation. He stated that he had been advised in 1923 that he must apply to the Japanese Consul General for military extension or exemption and learned, at that time, that he was considered a citizen of Japan and subject to military duty. He investigated and learned the details and found that he had been registered by relatives in Japan. With this knowledge he took steps to expatriate himself.

He contended that he had been "too busy with other affairs" to learn of subversive activities on the part of the Japanese-Americans in Los Angeles prior to December 7, 1941.

He placed the average age of the *Nisei* at around 19½ or 20 years. Because they were mostly minors, he stated that, therefore, they do not control the business organizations of the Japanese and do not have much influence. He believed that the *Issei* had endeavored at all times to maintain the traditions of Japan in the United States. It was his opinion that if the war had been deferred for five or six years until the *Niseis* would have had an opportunity to have taken over the Japanese organizations and the operation of the businesses; had become heads of families, etc., the situation would have been far different from what it was at the time of testifying. He stated that the *Issei* expected to be placed in detention camps in the event of war with Japan and said that the *Nisei* were willing to go.

He had heard of the *Black Dragon Society* as an organization headed by an elderly man, Mitsuru Toyama, who lived in Japan.

He presented the committee with a copy of a radiogram purported to have originated in Honolulu and signed by the *Chamber of Commerce* there, denying rumors of Japanese Fifth Column activities in Honolulu on December 7, 1941.

He believed that the majority of the *Issei* are loyal to Japan and that the majority of the *Nisei* are loyal to the United States. He believed that this was because the *Issei* had been refused United States citizenship, and felt that if they had been permitted to become citizens, they might have been loyal.

He had known Tomo Kasurui, Consul of Japan who had been located in Los Angeles. He stated that Kasurui was the spokesman for the Japanese Foreign Office in Japan, at the time of Tayama's testifying. He stated that Kasurui had confided to him in 1935 that there was apt to be a conflict between the United States and Japan.

8

ACTIVITIES OF JAPANESE EVACUEES

Dr. John Lechner stated that a tremendous movement is on foot to soften up the American people in reference to the Japanese in the relocation centers. He stated that the Japanese in the centers are taking advantage of this situation. (Volume XVI, pp. 3933-3980.) In this connection he offered the committee a sheaf of notes that were made by a Japanese-American at one of the camps. He stated that the notes were in the Japanese-American's own handwriting. He explained that the Government had decreed that Japanese-American citizens and other Japanese in the evacuation centers were not permitted to listen to radio broadcasts, but that the Government had given permission to small groups to act as committees to listen to radio news broadcasts of the day and then, in turn, to rebroadcast over a camp radio-broadcasting system, the news as compiled by the Japanese committee for the benefit of the evacuees. These broadcasts, of course, were in the Japanese language. He stated that the notes taken by his Japanese informant are significant in that they prove that all of the information rebroadcast to the Japanese evacuees was pro-Jap. The Japanese losses were never rebroadcast. The following translations from some of the broadcasts are typical:

> "France might as well fly the swastika."
>
> "Tokio is waiting for a complete collapse of the Soviet."
>
> "When the Japanese attack Siberia it will be sudden and decisive."
>
> "Japanese Russian propaganda is very active against the Communists and the Communist United States."
>
> "When Russia is beaten she will become like China."
>
> "Britain, after losing Singapore and Hong Kong, can not expect to get them back in British hands again."
>
> "Why should India remain under British rule to make India a British sphere which will eventually turn India into future British frontier?"
>
> "Unless Britain can influence Jinnah and Nehru against Gandhi's idea, which is too late, Britain can not turn India's tide to British satisfaction."
>
> "Big, important meeting in Moscow is another development of Allies' discord."

> "Nazi blitz speed is astonishing."
>
> "All of the Pacific will be blacked out and Japanese may attack the Pacific Coast with submarines."
>
> "Japanese air force is wiping out the United States-Chinese air force."
>
> "Japanese activities in Australia are on the increase. The Australians say the air strength is not sufficient to check the Japanese assault."
>
> "Japanese planes attack Queensland for the first time."
>
> "Four Japanese planes bomb Tourinville. Japanese also bomb Darwin. Japanese threat via Buna also serious."
>
> "One-twentieth of the United States population is in Australia. Japanese secretly landed in Australia a month ago when Japanese landed in New Guinea. Japanese again landed at Buna. Allies have not checked their threat. New United States plane, Mustang, 1,400 horsepower, may out-do Japanese Zero. Burma Japanese may invade in China or India."

All of these excerpts are from the rebroadcast of August 5, 1942. On August 4, 1942 similar broadcasts were made. The following are typical:

> "Japanese destroy 55,000 tons of Allied shipping in last week. Japanese sent more reinforcements. Allies advancing Buna-Gona area. Japanese submarine sinks British ship. Another large naval engagement coming. British attack Burma force and lose."
>
> "Big quake in north of New Zealand. Japanese cruiser was bombed for second time, but Japanese established an air field in Cocoda. Gandhi says: 'Unless Allies give complete independence India may welcome Japs.' The Japanese at Burma are preparing to start fresh movement into India. Next Friday is the deadline for India's independence. Two hundred and nineteen Japanese planes attack United States air base."

Dr. Lechner stated that no censorship whatever is exercised on the part of the War Relocation authorities.

On July 28, 1942:

> "Japanese landed in Australia in submarines. In New Guinea Japanese set up at Cocoda, 50 miles from Moresby. Japanese attack Darwin and Tourinville. In New Guinea the Japanese are advancing by bicycle troops."

On July 27, 1942:

> "Allies attack Buna. More Japanese landed at Buna; more at Gona, 160 miles north of Buna. Japanese attack British force near Moresby. Tojo said: 'Japan holds the initiative in the Western Aleutians; Japan will go the limit to crush the United States and Britain.'"

On the same date the Japanese announcer stated:

> "United States is losing this war because they can not fill orders for spare parts. Nazis using transport planes. United States is trying to convert bombers into cargo planes. C. I. O. Auto Workers' Union demands double pay for Saturdays. Sundays and holidays. During the first six months of the war 4,000 seamen's lives were lost. India's situation is more critical. Gandhi demands negotiation with British to grant India complete and immediate independence or India will become turmoil of trouble. Our (United States) June production is behind schedule. Gandhi says: 'Britain is India's friend. India neither sides with nor rejects the United States or the Axis countries. India asks the United States, China and Stalin to induce Britain to accept India's independence plea, but no one acts.' Gandhi has political power but not military power—naturally India relies on Japanese aid. Britain today ordered all essential commodity dealers closed. What next?"

On July 21, 1942:

> "Japanese attack Fort Moresby with 41 planes. 'Don't neglect Australia for Japanese pilots are darn good and are a good match for United States fliers.' "

Under date of July 19, 1942:

> "Japanese carried out their plans. India will become yoke of Japan after this Friday."

On August 7, 1942:

> "Only 1 per cent of United States production, or three days production in Australia. How can Australia stop the Japanese? United States is losing this war unless it can produce more war material, and the United States can make this a total war. Only a trickle of supplies come into Australia. Japanese are undoubtedly occupying many important coastal regions on the continent of Australia. We are beaten in India, Turkey and losing in Siberia and Australia. If Russia gives in the United States must lose China and Australian interests. There may be a negotiated peace."

Dr. Lechner testified that it was his opinion that the United States Government is making a big mistake in the civilian administration of the Japanese relocation centers. He stated emphatically that he agreed with the *American Legion* that the administration of the camps should be under the supervision of the Army and not in civilian hands. He told of a Mr. Myers, who had had no experience before his association with the War Relocation Board or Authority, and who knew nothing of the Japanese, being sent to the West Coast as an expert in charge of the Japanese relocation centers. He stated that Mr. Myers had delivered an address on the Fourth of July, 1942, in which he apologized to the 12,000 Japanese at Manzanar for the big mistake that the United States Government had made in evacuating them in the first place. Dr. Lechner rendered the opinion that every able-bodied Japanese male should be put to work in agricultural centers under strict Army control.

He related incidents occurring at Manzanar in which groups of 10, 12 and 15 Japanese were allowed to travel through Inyo County in trucks without any restriction whatsoever.

He related an incident which occurred at Camp Lordsburg, New Mexico. He stated that a number of Japanese prisoners captured during the Solomon Islands campaign were brought to the relocation center at Lordsburg and interned there with the Japanese evacuees. He stated the civilian administration of the camp permitted the Japanese prisoners to mingle and talk with the evacuees in the Japanese language. On October 29, 1942, Camp Bulletin Number 56 was issued in mimeographed form by the evacuees. It was in the Japanese language. The bulletin described the number of Japanese prisoners who had been brought into the camp a day or two before and gave minute details as to where they had come from and named the boat that brought them to the United States; information, Dr. Lechner contended, withheld from our own metropolitan newspapers. He stated that the Japanese prisoners from the Solomon Islands painted an encouraging picture of Japanese victories for the Japanese-Americans in the camp, and as a result, the camp was "all fired up." The following morning saw a big demonstration staged by both the Japanese-American evacuees and the Japanese prisoners. He stated that there were several thousand Japanese participating in the demonstration, marching up and down through the camp, singing and having a "great time." A loyal Japanese, placed in the camp by the Federal Government, and whose name was withheld, reported that two or three officials in charge of the camp felt quite happy concerning the demonstration. One of them said: "Our policy for the relocation board is pretty good; we are giving them all the leeway possible; look how happy they are!" The Japanese informant turned to the official and said: "Do you know what they are singing?" The official answered, "It doesn't make any difference. They are happy." The Japanese informant then told the official that "They are singing the *Japanese National Anthem.*" The official became alarmed and said, "They can't do that here!" The Japanese informant then stated: "If you will look at the flag-pole you will see *what* they can do!" The official looked at the flag-pole and saw a home-made Japanese Flag flying from it. During the night the Japanese had run up the Japanese Flag. Dr. Lechner stated that his report revealed that it took the threat of Army machine-guns to enable a man to take down the Japanese Flag.

Dr. John Lechner testified that on August 8, 1942, nearly 500 *Kebei*, *Issei* and *Nisei* gathered in Mess Hall 15, at Manzanar, under the chairmanship of Ben Kishi. (Volume XVI, pp. 3933-3980.) The meeting, Dr. Lechner stated, was conducted in the Japanese language by the consent of the center administration and was purportedly called for the purpose of discussing living conditions. He stated that the meeting developed into a bitter denunciation of Manzanar policy. He stated that one of the scheduled speakers, Kujohi Hashimoto, calling himself a *Kibei-Nisei*, hinted that he dared not say how the *Kibei-Nisei* felt regarding this country. Joe Kurihara, born in Hawaii, sprang to his feet and demanded the floor. Kurihara is reported to have said:

> "I have never been in Japan, but in my veins flows Japanese blood; the blood of *Yamato domashii*. We citizens have been denied our citizenship rights; we have no United States citizenship; we are 100 per cent Japanese."

Dr. Lechner stated that a roaring applause and stamping of feet echoed this declaration on the part of Joe Kurihara. When Carl Yoneda, another scheduled speaker and the chairman of the War Participation Committee, attempted to speak on the need for cooperation with the Government of the United States in winning the war, Dr. Lechner stated that he was "booed" and "jeered," so that only a portion of his speech could be heard. Masajo Tanaka spoke next, and said:

> "I am a *Kibei-Nisei*, but the *Kibei-Niseis* are not American; they are Japanese. (Loud applause.) *The Kibeis are not loyal to the United States* and they might as well know about it! But the *Kibeis* should use their citizenship rights for their own benefit. I can not understand why there are a few *Nisei* who still talk about their citizenship rights, and about American democracy."

Dr. Lechner stated that, realizing the temper of the meeting would be revealed to the authorities at Manzanar and that such meetings in the future might be banned, some of the *Issei* were heard to remark that "The Japanese soldiers will soon be here to liberate us."

He stated that some time before the meeting in question, at a private conference between Ted Akahoshi, *Issei* Chairman of Block leaders at Manzanar, and two other individuals, Akahoshi made the following statement in the heat of an argument concerning certain government orders:

> "I want to say this, and I want this to be kept just among us three. If one of you should happen to tell it to someone else, I am going to deny it. If Japan loses this war, we—and I include you citizens, too—will all become slaves of this country. If Japan wins, we will then tell them how to run this country."

9

PRO-JAPANESE SYMPATHIES IN THE UNITED STATES

Dr. John Lechner contended that there now exists in the United States a nationally organized movement to soften the American public against the time when the Japanese-Americans will be released from internment centers. (Volume XVI, pp. 3933-3980.) He described this effort as "a tremendously powerful movement." He stated that there are several organizations now engaged in a campaign to discredit the

United States Army's policy of evacuating the Japanese and the policy of the Government in holding the Japanese in concentration or restricted areas. Beginning at page 3963 of Volume XVI, Dr. Lechner states:

> "This group is comprised largely of church and educational leaders.
>
> "Here is an article which was written by Norman Thomas, head of the Socialist Party, and distributed by the *Post-War Council.*
>
> "I understand that several hundred thousand (copies) were sent out. This is a scathing indictment against the United States policy employed so far as the Japanese are concerned, and he (Norman Thomas) advocates the immediate release of all Japanese-Americans. Two months ago Dr. Palmer announced that he had over 1,600 leading ministers in this country who had signed up as active members. (Churchmen's Committee for Christian Peace; Dr. Albert Palmer, chairman and head of the Chicago Seminary.) Palmer's statement on the unconditional surrender of Japan is this, as is described. In such things as these we are getting the first announcement of a very carefully worked out plan of all of these groups I am going to mention, for a negotiated peace with Japan. Speaking of unconditional surrender he said, 'This goal is not likely to be reached by any method of total military victory; some kind of negotiated peace is a desirable alternative.' This statement was made in December, 1942.
>
> "They claim to have 12,000 or more active members throughout the United States. The principal theory is that war is not compatible with the teachings of Christ. In addition to that there is the *National Committee for Prevention of Wars.* This organization held its National convention in Philadelphia, November 11, 12, and 13, 1942. One of the aggressively active leaders is Theodore Walser, an American missionary to Japan for twenty-three years.
>
> "He spoke before the members of the Pilgrim Church, one of the large churches in Washington, D. C. This was his statement: 'Japan was justified in her attack on Pearl Harbor.' He gave for his reason, first, that America had no right to interfere with Japan's 'Asia for the Asiatics' policy in the Far East. Secondly, Japan is only doing what America did to Mexico and to Central and South American Republics.'
>
> "The *National Committee for the Prevention of War* in its convention adopted the following aims for 1943, and I list five or six points. First, is a negotiated peace with the Axis powers, following Dr. Albert Palmer's idea. Second, to give financial and moral aid to conscientious objectors; three, to give financial aid and scholarships to Japanese-Americans so that they may complete their university education; four, to release the Japanese from the relocation camps and give the relocation civilian authori-

ties power to act, because they were, apparently, from their statements, already conscious of the fact that they were wielding a great deal of influence over these civilian authorities. Five, give favorable publicity to the Japanese-Americans and the Japanese point of view in the public press, and particularly stress that point of view in church publications throughout America; set up an employment agency to aid the Japanese as fast as they are released from the relocation camps.

"Incidentally, one point here about the church publications. From our information it is very apparent that a definite policy is being employed to create a favorable attitude toward Japanese-Americans in this country, and so favorable that naturally we will build up a sympathetic attitude for Japan. That is what we call the 'softening-up process' so that these various organizations can put across with full speed, by the end of 1943, a terrific campaign for a negotiated peace with Japan, and it is a very clearly worked out scheme.

"As an indication of how far they will go * * *. from December 4th to December 14th in Quebec, Canada, the *Institute of Pacific Relations*, which has a very powerful branch here, held what they called 'a Pacific conference' for the purpose of discussing post-war problems in the Pacific area. At that conference the leaders refused admission of a Korean participant, although they claimed that they were interested in establishing the Atlantic Charter of the Four Freedoms in all of the subjugated nations in the world. Finally after a threat was made to expose the *Pacific Conference* held by the *Institute of Pacific Relations*, they agreed to allow a Korean as an observer. The opposition came from some of the missionaries who came from Japan, representing the Far East.

"Underneath that whole conference was this underlying motive, to build there at that Pacific Conference in Quebec the structure for the cooperation of the *Institute of Pacific Relations* for a negotiated peace and the leaders in that conference were former missionaries and educators of Japan. Why they had this antipathy for the Korean was because they felt that if he were a part of the conference he would expose the things that were going on inside. That is a matter of fact that Mr. Haan testified to.

"The purpose of these groups, as I stated, is to soften American public opinion against Japanese and pave the way for a negotiated peace with Japan."

Dr. John Lechner, it should be stated, is an ordained minister.

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Un-American Activities

Having special reference to

Japanese Problems in California

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REPORT OF THE JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN CALIFORNIA

INTRODUCTION

Mr. President, Mr. Speaker, and Members of the Legislature:

Your Joint Fact-Finding Committee Investigating Un-American Activities in California herewith submits its report on investigations conducted throughout the State during 1943 and 1944:

AUTHORIZATION

The Joint Fact-Finding Committee on Un-American Activities in California was created pursuant to Assembly Concurrent Resolution No. 59, filed with the Secretary of State May 12, 1943.

• • • • • • •

Pursuant to the provisions of the resolution, the Committee on Rules of the Senate appointed Senator Hugh M. Burns of Fresno County and Senator Jack B. Tenney of Los Angeles County, and the Speaker of the Assembly appointed Assemblymen Nelson S. Dilworth of Hemet, Dr. Jesse Randolph Kellems of Bel-Air, and Randal F. Dickey of Alameda, as members of the committee. In compliance with the provisions of the resolution the members of the committee, at its organizational meeting, elected Senator Jack B. Tenney as chairman.

• • • • • • •

JAPANESE PROBLEMS IN CALIFORNIA

Since submitting its report to the Legislature in 1943 the committee has continued its investigation of Japanese subversive activities as far as such activities were evident in the various relocation centers in California. On March 5, 1942, Lieutenant General John L. DeWitt issued an order for the evacuation of all persons of Japanese descent from the area of the Western Defense Command. Temporary Reception Centers were quickly erected under the supervision of Army engineers and, shortly thereafter, construction was commenced on the two relocation centers for California, Manzanar and Tulelake. On March 21, 1942, the first contingent of evacuees, 61 men and 21 women, arrived at Manzanar. By midsummer of that year there were nearly 10,000 evacuees at Manzanar and 14,000 at Tulelake.

CALIFORNIA RELOCATION CENTERS

Manzanar is located near Independence in Inyo County. Tulelake is Located in Modoc County near the Oregon State line. The physical appearance of the two relocation centers present much the same aspect. Each is sprawled over a flat, barren plain, partly surrounded by mountains. The summer winds constantly blow clouds of fine dust across these plains and during the winter months there is much rain and snow. The barracks are long, narrow, board and batten structures with black tar-paper roofs. Wooden partitions divide these barracks into small compartments, each of which is theoretically occupied by an evacuee family. The mess halls are replicas of the barracks without the partitions.

Each center maintains an agricultural project. A program of vocational training and adult education is provided in both camps. The State Law for compulsory education of children of school age is enforced. Internal security and fire-fighting departments are organized and maintained. Each center has cooperative stores where evacuees may purchase a wide variety of general merchandise, none of which carries ration-point requirements.

Each administrative project and department is headed by a Caucasian supervisor. Virtually all of the work is done by the evacuees, on a voluntary basis. They are compensated for their labors at a monthly rate which has a maximum of $19. The rate is considered entirely inadequate by the evacuees and, as a consequence, the work done is accomplished more by sheer weight of numbers than by individual endeavor. Labor strikes occur sporadically and there is a constant stream of labor complaints. Attempts at beautification of the camps have been made by the evacuees and a lovely landscaped Japanese garden was noted near a mess hall at Manzanar.

The agricultural project at Manzanar presented many difficulties. The first crew started work on April 15, 1942, grubbing out the rocks and sage-brush, and preparing the soil for planting. During the latter part of May of that year the crops were planted. When the first green shoots appeared they were promptly nibbled back level to the earth by rabbits, until the vegetable garden resembled, from a distance, an extensive and closely-clipped lawn. This annoyance was solved by the use of dogs that were trained to chase the rabbits away. Several hundred acres are now under cultivation. The crops raised at Manzanar during the past season had a market value estimated at $43,000. Surplus crops are shipped to other centers.

There are about 4,000 acres under cultivation at Tulelake. The season in Modoc County is comparatively short because of early frost and snow, but during the spring and summer months the crops are easily and abundantly produced. The total commercial value of the current crop is estimated at $1,500,000. The surplus, like the surplus at Manzanar, is shipped to other centers. Hogs and chickens are also raised at Tulelake on an extensive scale.

Each center has a detachment of military police. Until a short time ago these men were charged with the duty of quelling serious disturbances, keeping the evacuees within the confines of the center, and, generally, in maintaining order. They are not permitted however, within the boundaries of the centers. This force of military police is supplemented by the Department of Internal Security, or center police force, which is headed by a Caucasian with prior police experience, and a staff of evacuee enforcement officers. The center directors have exclusive jurisdiction over infractions of center rules and regulations and may impose reasonable and legal penalties for violations. Violators of State and Federal laws are turned over to the proper authorities.

National food rationing released a flood of rumors concerning the food served the Japanese in the relocation centers. It was frequently charged that the evacuees were receiving food of an exceptionally high quality and of high ration-point value. Investigation of these charges by representatives of the committee disclosed that the basic menus of all relocation centers were prepared by the Quartermaster's Corps of the United States Army and that each center was allowed a maximum expenditure of 45 cents per day for each evacuee. The average expenditure for the two centers in California runs around 37 cents per day per evacuee.

The committee representatives selected mess halls at random in each center and ate several meals with the evacuees. They found the food well cooked, nourishing and plentiful. The following sample menus are typical of the meals served at Manzanar and Tulelake:

MONDAY	*TUESDAY*	*WEDNESDAY*
Breakfast	**Breakfast**	**Breakfast**
Stewed dried fruit,	One-half grapefruit,	Stewed dried fruit,
Farina—hot milk,	Rolled oats—milk,	Dry cereal—milk,
French toast, syrup,	Hot cakes—syrup,	French toast—syrup,
Cocoa, milk.	Cocoa—coffee—milk.	Coffee—tea—milk.

MONDAY

Lunch
Baked macaroni and cheese,
Steamed rice,
Tsukemono,
Boiled fresh vegetables,
Head lettuce salad,
One orange,
Bread,
Tea.

Dinner
Fresh fried fish,
Stewed corn,
Steamed rice,
Pickled fresh beets,
Butterscotch dessert.

TUESDAY

Lunch
Boiled beef, Spanish
Steamed rice,
Tsukemono,
Head lettuce salad,
One fresh apple,
Tea.

Dinner
Beef Sukiyaki,
Steamed rice,
Tsukemono,
Potato salad,
Spice cake,
Tea.

WEDNESDAY

Lunch
Boston baked beans,
Boiled fresh vegetables,
Steamed rice,
Tsukemono,
Head lettuce salad,
One orange,
Bread,
Tea.

Dinner
Fried fresh fish,
Steamed rice,
Tsukemono,
Cole slaw salad,
Fruit jello,
Tea.

It will be noted that the relocation center diet consists mainly of rice, vegetables, fish, bread, oleomargarine (no butter), with such occasional Japanese dishes a Tsukemono (pickled vegetables) and Sukiyaki (a sort of Japanese chop suey).

Choice of food is a source of constant evacuee complaint and grievance. The American-born Japanese are accustomed to American food while most of the alien Japanese are accustomed to native dishes. It is manifestly impossible to please both groups, although, as will be seen from the sample menus, certain native dishes are prepared and served. The evacuees are permitted to buy additional food at the cooperative stores, but, as has been mentioned heretofore, they are not permitted to purchase anything which requires ration points.

Until about January 1, 1943, the administration of the centers was very lax. The evacuees were permitted to wander unattended practically at will all over the adjacent countryside. This practice was bitterly resented by residents in the vicinity of the centers and this resentment toward the administration still exists to some extent. The laxity of early administration manifested itself in what appeared to be a pampering of the evacuees and an apathy toward their subversive activities. An example of this lax attitude was seen in the practice of permitting evacuees at Tulelake to use Government cars as free taxis within the area of the Center, and in the use of Government trucks to take groups of evacuees on picnics outside the Center. No attempt was made to separate the obviously subversive and disloyal from the obviously loyal. After January 1, 1943, the situation changed considerably and the centers in California were administered with a firmer hand.

Optional courses in Americanism are offered as part of the adult educational program but they might as well be discontinued for they are very poorly attended. There are no compulsory Americanism courses. It was learned that the evacuees are not particularly encouraged to speak English. Many who spoke good English when they first arrived at the centers now speak it poorly, because, since arriving, they have spoken mostly in their native tongue.

For a time, all out-going and in-coming mail was censored by the military police. This practice was discontinued, and in 1943 it was possible for express packages, letters and parcel-post packages to be sent into the relocation centers without inspection. Telephone conversations between the evacuees and persons outside the Centers were not censored at all. Manzanar appeared to be the lone exception in telephone censorship.

SHINTO-KODO-BUSHIDO

The Japanese terms, *Issei, Nisei* and *Kebei,* are defined and explained in the Committee's 1943 Report at page 322. Briefly re-stated, the *Issei* are alien Japanese, virtually all of whom are loyal to Japan and Hirohito. Fanatical in their belief in the *Shinto-Kodo-Bushido* dogmas, they keep pretty much to themselves in the relocation centers. The *Nisei* are second-generation, American-born sons and daughters of Japanese alien parents, and, therefore, citizens of the United States. The greater part of the *Nisei* have attended the public schools on the west coast, and the majority of them attended Japanese language schools. The *Kebei* are *Nisei* (second-generation, American-born Japanese) who have been sent to Japan, allegedly for educational purposes. During their stay in Japan the *Kebei* were indoctrinated with the *Shinto-Kodo-Bushido* virus and, as a general rule, feel a deep loyalty to everything Japanese. The ideology of *Kadoism,* like the doctrine of race-superiority of the German Nazis, dominates the minds of the present generation of alien Japanese and the *Kebeis.* Until Pearl Harbor the *Issei,* holding the purse strings, exerted considerable influence over the *Nisei* and *Kebei* and kept them pretty much in *"Kodo" ("the way of the Emperor").*

Shintoism is Japan's most ancient religious faith. In its primitive form it exalted the deities of nature and fertility and emphasized the sacredness of the family. Animistic in character, *Shintoism* created a multitude of local gods and taught that they were embedded in the mountains, trees and stones. Worship of the Emperor, the sacredness of the family, and the exaltation of the military were closely identified with the ceremonies of *Shintoism* from its inception. The ancient rice culture of the people was closely interwoven in ancient *Shintoism.* Obedience to authority and devotion to the Emperor are sternly emphasized. The *Shinto* creed has been merged with the State since the "restoration" of the Emperor in 1868, and is now particularly characterized by its aggressive nationalism, its authoritarianism, and its militaristic faith.

It is taught and believed that the Japanese islands were begotten of the gods, that the Emperor of Japan is a direct descendant of the Goddess of the Sun. It is believed that the present Japanese race, as the descendants of a single tribe of *Yamato*, are destined to inhabit these God-begotten islands forever. The rest of the world is to feel the benevolence of this divine *Yamato* race. Because the islands were literally begotten of the gods, the land is "holy," and will endure forever. A Japanese soldier who dies for the Emperor and his "holy" country, immediately becomes one with the gods, regardless of how badly he may have lived. The outside world can only be redeemed through Japanese intervention. The great *Shinto* virtues for the Japanese people are blind and undying loyalty and unquestioning obedience. All people, other than the Japanese are considered corrupt and inferior.

Shintoism has become the State religion of Japan. Doctor Shunzo Sakamaki assistant professor of history at the University of Hawaii, pointed out that the Japanese Imperial Government had issued an edict declaring that all *Shinto* priests in the United States and Hawaii, and Japanese language school teachers were, from January of 1941, to be considered as officials of the Japanese Government. "Basically," said Doctor Sakamaki, "the reason is that the Japanese Government has seen in *Shinto* a political tool of the greatest potency for keeping the fires of nationalism burning at white heat and making the doctrine of political absolutism in Japan virtually inviolable."

General Araki, the leader of the Manchurian conquest, gave life and emphasis to Japanese Imperialism by popularizing *Kodo, "the way of the Emperor,"* in the program of *"Asia for Asiatics"* and the *"Greater East Asia Co-Prosperity Sphere."* Thus, *Kodo,* as an extension of Shintoism provides the justification of Japanese world conquest. *"The way of the Emperor,"* since the first Emperor, Jimmu Tenno, who descended directly from the Goddess of the Sun, is the plan to carry out the "divine destiny" of the Japanese people in extending their "culture" to all of the people of the earth. This "benevolence" is first to be extended to the colored peoples of Asia by freeing them from the domination of the white races.

Bushido is the unwritten code of conduct of the *Samurai*. *Bushido* demands loyalty to superiors only, simplicity of living and military valor. Complete allegiance to superiors is demanded, while deceit and dishonor is to be honorably practiced against all others. Treachery and brutality against one's enemies, and self-sacrifice, blind loyalty and unquestioning obedience to one's superiors are the cardinal characteristics of the code of Bushido.

PROBLEM OF RELOCATION DURING THE WAR

It is generally believed that the Japanese are a stoical and phlegmatic people. Expert opinion, on the contrary, holds that they are a highly emotional and temperamental people. It is interesting to note in this connection that the clinical records of the two relocation centers indicate that the most common evacuee ailment is peptic ulcers, caused by worry and fear. The loyal, or potentially loyal, *Nisei*, read accounts in the daily newspapers of the action of many and sundry organizations passing resolutions to the effect that no persons of Japanese descent, citizen or alien, will ever be tolerated again in California. Leaflets and pamphlets find their way into the centers and are read by the American-born Japanese. Many are firmly convinced that they will not be welcome or wanted in California and, for this reason, have been, and are, refusing to apply for relocation because of the fear of physical injury to themselves and their families no matter where they may go. The recent order of Dillon Myer for the closing of all relocation centers by December 31, 1945, was received with alarm by most Japanese evacuees. The committee has learned from authentic sources that delegations of Japanese have called on the center directors, requesting that some action be taken for the continuation and maintenance of the centers for the duration of the war with Japan. Japanese evacuee spokesmen base their request on several grounds. First, they fear physical injury if they are returned to their former communities while the war with Japan is in progress. Secondly, nearly all leases on evacuee property are for "the duration of the war with Japan," and, thirdly, the housing problem for some 60,000 to 80,000 Japanese in their former communities is fraught with insurmountable difficulty and hardship.

SUBVERSIVE ACTIVITIES

The Japanese very rarely entered into the life of the American community in which they resided. "Little Tokyos" invariably mushroomed into existence wherever a substantial Japanese population existed. More than 240 Japanese language schools were established and maintained in California alone.

The committee is convinced that it was not merely coincidental that the Japanese population settled along the West Coast near airfields, oil refineries, vital war plants and gun emplacements. The desirability of the land alone does not account for this deployment as, in many cases, more fertile and desirable farm land was available.

The Yokohama Specie Bank is sponsored by the Japanese Imperial Government. Before the war huge transfers of money through the Yokohama Specie Bank from the United States to Japan was a frequent occurrence. These "deposits" aggregated in excess of twenty millions of dollars. Testimony and evidence before the committee indicates that Japanese residents in California contributed many thousands of dollars to the Japanese war effort before Pearl Harbor.

Togo Tanaka testified quite openly and frankly concerning *Nisei* activities (Com. Tr., Vol. X. pp. 2843-2889). His testimony, in part, is as follows (Com. Tr., Vol. X. pp. 2856-2858):

Q. By Mr. Combs: . . . Mr. Tanaka, as a matter of fact, the Japanese Consulate sponsored the dissemination of a great mass of material regarding the Japanese attitude—the Sino-Japanese war?

A. I don't believe so much the consulate but agencies set up by the consulate on the coast here.

Q. The Nisei were active at that time in aiding in the dissemination of that material, were they not?

A. Yes, they were—I should say, we were.

Q. Then, later on there were groups, were there not, Japanese organizations, for example, agricultural organizations and others through which funds were collected for the Japanese war effort generally?

A. I believe you were the one who gave me the first detailed information. While I have a note on Los Angeles I wanted to be able to more or less confirm it.

Q. Does your information confirm that?

A. Yes, it does.

Q. And that extended over a period of how long?

A. Well, I would say since the outbreak of the war in China—that would be in '37.

Q. And it continued how long?

A. Well, straight through, I believe, the early or the middle of 1940 when it seems the tension between the United States and Japan grew to the point where people began, I think, to realize rather dimly possibly war was in the offing—by the way, that was the time, too, when many of us began to realize some of our activities were misdirected. By the way, I may also point out while we seem to be emphasizing the subversive, and I can appreciate the purpose to investigate un-American activities——

Q. That is correct.

A.——on the other hand, we ought not to forget and to get a balanced picture, we ought to inject some of the very good American activities this publication and the organization has been engaging in.

Q. I am going to ask you in detail about that, Mr. Tanaka.

A. Fine.

Q. So that was true that funds were collected by Japanese organizations for the Japanese war efforts?

A. Yes, I believe they were.

Q. And those funds were transmitted through the Japanese diplomatic agencies in this country?

A. I am not, frankly, familiar with the exact means by which it was transmitted. I understand some was sent directly to Japan by the organizations and some by individuals but I presume most of the funds must have been sent through the diplomatic agents.

Q. Was there any reluctance on the part of the Nisei to admit the existence of subversive activities by any Japanese group in California?

A. Well, as a group I would say yes; but individually, of course, we always have our exceptions but collectively—I am merely repeating what persons who are not Nisei say from the standpoint of their own observation that they think the Nisei themselves—on that question I may not be qualified to answer as to the reluctance shown by the Nisei—but judged by some third party, we have a good number of persons who I think have been close to the situation and they said we have been too reluctant to admit some of the subversive activities that probably have been present in which Nisei have engaged. We have tried to gloss some of the things and point out the good American things we were doing without trying to correct or even acknowledge some of the things being done which were subversive and, frankly, I didn't believe some of the things we were doing would be judged as subversive simply because we couldn't predict the developments, the turn of events."

The committee offers no particular brief for the *Nisei* as a class. Evidence before the committee clearly reveals that many of the *Nisei* were engaged in subversive activities against the Government of the United States for many months prior to the attack on Pearl Harbor. The committee is equally aware that an American-born person of Japanese parentage is not necessarily subversive *per se*. The problem is essentially one of segregation and it presents many subtle difficulties.

When General De Witt's order for Japanese evacuation was announced many *Nisei*, who had established businesses and homes, were compelled to dispose of their property in a very short period of time, as best they could. They were to be housed in relocation centers in remote parts of the country for an indefinite period. Deep emotional reaction to the disruption of normal life was only natural and to be expected. Some of the *Nisei* became embittered and resentful while others remained realistic and resigned to a situation which they understood as necessary and unavoidable. The *Issei* and *Kebei* were openly defiant and recalcitrant. Most of them have now adopted an attitude of solemn brooding. The committee believes that if the War Relocation Authority had segregated these groups in the beginning much trouble and difficulty might have been avoided. Late in 1943 the War Relocation Authority, finally recognizing the problem, announced that it would segregate the loyal from the disloyal Japanese. This was ultimately accomplished by removing the disloyal Japanese to the Relocation Center at Tulelake. The War Relocation Authority test of loyalty and disloyalty in the segregation program is not available and has not been explained.

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DEFIANCE AT TULELAKE

Questionnaires were prepared and distributed to the evacuees in all the relocation centers by the War Relocation Authority in the early spring of 1943. Question No. 28 inquired whether or not the evacuee was willing to renounce his allegiance to the Emperor of Japan. An epidemic of rioting immediately broke out at the Tulelake Center and continued for nearly six weeks. So few of the evacuees answered Question 28 in the affirmative that the War Relocation Authority reworded that particular inquiry, labeled it No. 28-A, and tried again. The question this time did not concern itself with allegiance to the Emperor of Japan, but merely inquired whether or not the evacuee would be willing to uphold the laws of the United States. Assemblyman Dickey, in charge of the Tulelake investigation, reported that he had been informed that although there were 6,000 to 7.000 evacuees who were American citizens by accident of birth and whose physical qualifications made them eligible for service in the armed forces of the United States, only two volunteered. It is rather significant to note that the *Bushido* code permits deceit and treachery as honorable conduct under such circumstances, and that disloyal and subversive Japanese would, therefore, unhesitatingly answer either or both questions in the affirmative.

The attitude of defiance on the part of the disloyal Japanese at Tulelake can only be explained on the basis of some real or imagined advantage for Japanese war strategy. Mr. Silverman, staff writer for the *San Francisco Chronicle*, was at the Tulelake Center investigating the disturbances which attended the signing of the questionnaires, and in the May 27, 1943, issue of that newspaper he reported, in part, as follows:

> "* * * Before the end of the trouble bands of hoodlums roamed up and down the camp's streets, breaking into homes and attacking the occupants. The Japanese * * * who were in cooperation with the administration were nearly killed, and two Christian Priests were badly beaten. A Jap flag mysteriously appeared and, as mysteriously, disappeared. The army moved in, followed by the F. B. I. There were mass arrests, and one hundred men were thrown into near-by jails and deserted C. C. C. Camps. When the prisoners were carried off they were surrounded by howling Japanese who yelled, 'Banzai!'
>
> "'You can't imagine how close we came to machine-gunning the whole bunch of them,' one official said. 'The only thing that stopped us, I guess, were the effects such a shooting would have had on the Japs holding our boys in Manila and China * * * and the fact that, in all these Tulelake riots, a lot of Japs got hurt fighting for us.'
>
> "Leaders of the disturbance, most of whom were believed to be *Kebeis*, were identified and sent to an Arizona concentration camp for incorrigibles. Others were given prison terms for violation of

the State riot law, while still others were paroled or pardoned. Camp Director Harvey Coverley stated that the arrests put an end to the disturbances.''

THE MANZANAR DISTURBANCE

The central figure of the December, 1942, disturbance at the Relocation Center at Manzanar was Fred Masaru Tayama. Tayama testified before the committee in Los Angeles on Japanese activities, March 24, 1942. (Com. Trans. Volume X, pp. 2961-2965.) He was born in Honolulu. He attended the *A. R. Muir Institute of Technology* in Chicago. He formerly was the chairman of the Southern California District Council of the *Japanese-American Citizens League.* Shortly after December 7, 1941, Tayama called a meeting of certain American-born Japanese leaders and organized an anti-Axis Committee. An intelligence unit was created in order to assist governmental investigative authorities in their work. This prompt and laudable action on the part of Fred Tayama made many dangerous enemies for him among the disloyal and subversive Japanese.

Fred Tayama's demeanor on the witness stand when testifying before the committee in Los Angeles, was above-board, open and frank. (Digest of Tayama's Los Angeles testimony appears on pages 344 to 346 in the committee's 1943 Report.) At that time he proudly exhibited a document from the Japanese consul given to him at his insistence, proving his complete expatriation from Japan. He testified that although he was born in Honolulu, he was considered a citizen of Japan in 1923 and subject to Japanese military duty. He was advised to apply to the Japanese Consul General for extension or exemption of military service. He is one of the few American-born Japanese known to the committee who took the necessary steps for the cancellation of the Japanese side of his dual citizenship.

The *New World* supplement for Sunday, December 13, 1942, in the *San Francisco Chronicle* printed the following story:

> ''Last week, nine-month old Manzanar produced its first political incident. Using descriptive, excitable adjectives and worded carefully so as not to over-emphasize isolated trouble, the War Relocation Authority described the occurrence: 'Saturday night six men entered the residence of Fred Tayama, (President of the *Japanese-American League*), and beat him so severely that he was taken to the hospital. Immediately three evacuees were taken into custody, and one of them was transferred to the jail at nearby Independence. The next morning crowds gathered in the Center streets, and selected a committee which met with Camp Director Ralph P. Merritt at the main gate and asked for the return of the jailed men. Merritt agreed that the evacuees would be brought back to Manzanar if the committee would agree that there would be no more

meetings or gatherings, that order would be maintained until the proper hearing could be held, and if the group would deliver to the authorities the men who had beaten Tayama.

"The crowd dispersed about mid-afternoon, the jailed men were returned to the center police headquarters. But that night two large groups assembled—one at the hospital, demanding that Tayama be turned over to them, and another at the Internal Security Headquarters . . .

"When Merritt refused to release his prisoners . . . he became alarmed when some members threatened to kill Tayama . . . The director called the military police to restore order. But the milling Japanese refused to go home and began to advance on the prison guard, who, when the tear gas was blown away by a high wind, threatened to open fire. The crowd kept coming—the M. P.'s fired, killing one man, critically wounding another and injuring nine others.

"Both the War Department and the War Relocation Authority are of the opinion that this disturbance was caused by a relatively small group of evacuees, and that the great majority of evacuees at Manzanar and other Relocation Centers are loyal to the United States, and completely in favor of the orderly process of government."

The excitement ended as abruptly as it started. War Relocation Deputy National Director, E. R. Fryer, arrived from Washington and laid down the law. Segregation of known Axis sympathizers and unruly elements followed immediately. Center Director Ralph P. Merritt, a veteran of the first World War, who had just taken over as Camp Director a few days before the disturbances commenced, announced "Peace and quiet prevail."

The evacuee-edited *Manzanar Free Press* in its anniversary issue of March 20, 1943, comments on the "incident" in the following language:

> "This basic calm that Manzanar residents had been enjoying was disrupted unfortunately by the 'riot' of December 6th, which was aggravated by the newspaper accounts that stressed only the sensational aspects of the event. The emotional outburst was an inevitable outcome of the internal strife caused largely by the concentrated nature of the population. The fact that other centers have had strife and difficulties reflects on the basic difficulty of any group to maintain a normal life under crowded conditions. Since the date of the Manzanar trouble coincided with Pearl Harbor, 1941, the public press had ample opportunity to misinterpret the essential facts. The sheer coincidence of the date is, perhaps, the most unfortunate aspect of the whole thing."

The committee is convinced that the disturbance falling on the anniversary of the attack on Pearl Harbor was the result of something far more serious than "sheer coincidence." The crowded condition of the evacuees in Manzanar on December 6, 7 and 8, 1942, was not the lone factor responsible for the demonstration of defiance. As for the newspapers stressing only the sensational aspects of the event, the committee submits that it would be indeed difficult to imagine anything more sensational than a three-day demonstration of rioting Japanese evacuees accompanied by tear gas and military police shooting into the mob in order to restore order. The committee believes that the disloyal Japs in Manzanar conspired to take vengeance on Tayama for his pro-American attitude, and, at the same time, intimidate other potentially loyal *Nisei* and the administrative staff at the Center with a demonstration on the anniversary of the Japanese attack on Pearl Harbor.

TULELAKE DISTURBANCES

By October, 1943, the War Relocation Authority had apparently completed its task of segregating the loyal from the disloyal evacuees. The disloyal evacuees were sent to Tulelake Center and the allegedly loyal evacuees at Tulelake were distributed among the other relocation centers throughout the United States. It is estimated that there were around 16,000 disloyal Japanese at the Tulelake Relocation Center as of January 1, 1945.

Committee members and representatives made five separate trips to the Tulelake Center. The atmosphere at the Camp was tense, the Japanese were sullen and antagonistic and it was apparent to everyone that some sort of trouble was in the making.

Japanese spokesmen called upon Camp Director Raymond Best and announced that the Japanese would no longer pick vegetables for Caucasians or for the loyal Japanese. They stated that they were aware that crop surpluses were distributed to other Relocation Centers, and that, henceforth, the only vegetables which would be picked by the evacuees at Tulelake would be for their own consumption. Mr. Best, in order to comply with the War Relocation Authority's order and to fill the obligation of the United States Government, sent members of the Caucasian staff of the Relocation Center into the fields to help with the crops and purchased additional supplies when needed.

Japanese spokesmen then demanded that they be allowed to use coal for bonfires while harvesting, and when Relocation officials acceded to this demand, tons of coal were consumed in this manner while the Nation faced an acute coal shortage.

The head of the fire department at Tulelake, formerly a battalion chief of the Los Angeles Fire Department, was next bombarded with a series of outrageous demands. The first was for a certain type of rubber glove. These were obtained. A pool table for the members of the fire department was next in order and when this demand was refused the members went on what might be considered a sit-down strike, completely dirupting the fire-fighting department. They refused to use blankets or pillows that had been touched by loyal Japanese, and demanded new bed clothes which were secured. An epidemic of false fire alarms ensued. Nearly every piece of fire-fighting apparatus taken from the fire house broke down because of some mechanical defect. Fire hydrants were found to be rammed full of broken glass, bits of cloth and other debris, so that they failed to function. It was later discovered that $50,000 worth of automatic fire alarm apparatus had been ripped out of the building which housed it, and as far as the committee has been able to ascertain, it has never been found.

On the afternoon of November 1, 1943, a delegation of spokesmen for the subversive Japanese, called upon Director Best in the administration building and presented a series of demands which he was utterly unable to grant. Shortly thereafter all the Caucasians working in the Relocation Center, about 200 persons, were herded into the administration building where they were imprisoned for about four hours, while a mob of howling Japanese, armed with daggers, swords and clubs, milled around outside the building, shouting obscenities at the Caucasian women and loudly proclaiming their disloyalty to the United States. Colonel Verne Austin and his troops had arrived by this time and were posted just outside the barbed-wire fence. The Japanese had mysteriously obtained a loud-speaking apparatus and a microphone. They had previously used a short-wave receiving set, made from parts which were sent into Tulelake without being inspected by Relocation authorities. While the conference with Director Best was in progress and the Caucasian staff was imprisoned inside the building, the milling mob on the outside were addressed in Japanese over the public address system and informed on the progress of the conference. When two Caucasians attempted to leave the building they were beaten and forced inside again.

It later developed that the knives and swords with which the rioters had armed themselves had been made from steel truck springs, deliberately broken when trucks were driven over rough stretches of road. When the springs had been replaced by new ones the old springs were taken to the blacksmith shop operated by Japanese-Americans and made into swords and knives.

When the conference with the director was concluded, a Shinto priest stepped to the microphone and said something in Japanese. Immediately the mob suddenly faced the east, removed their hats, bowed three times and went back to their barracks.

The following day, November 2d, was quiet and peaceful. On November 3d there were several minor disturbances. At a little after 10 o'clock on the evening of November 4th, rioting again broke out.

Boxes had been filled with pieces of mattress and bits of dry grass soaked with stove oil and placed under most of the wooden buildings in the center. The caps had been removed from the gasoline tanks on all of the automobiles and trucks, and the vehicles had been placed at right angles to the center gates, thus creating an effective blockade to entrances and exits. Colonel Austin's troops, with light tanks, armored cars, and fixed bayonets, moved in through the barricaded entrances and within a matter of minutes the area was cleared of the rioting Japanese. The leaders of the demonstration were taken into custody and order was restored.

A few days later spokesmen for the rioting Japanese called upon Colonel Austin. They again declared that they would only harvest crops for their own consumption. Colonel Austin told them, in substance, to either pick the crops in accordance with the War Relocation Authority policy or continue their strike. The crops were promptly harvested and there was no more trouble.

A study of the November rioting at Tulelake revealed a number of important factors not easily discerned by a cursory examination of the facts. It is apparent, when the facts are analyzed, that if the Japanese had actually planned to burn down the buildings, kill or injure the Caucasian administrative personnel that they had ample opportunity to do so under cover of darkness. It must be remembered that Colonel Austin and his troops were just outside the camp and were able to watch every move of the Japanese. In spite of this fact, of which they were well aware, they staged the first demonstration at 1 p.m. on November 1st. They went so far as to install a public-address system so that every word broadcast was well within earshot of the military authorities. The following day the Japanese were obviously apprehensive that something would be done to penalize them for imprisoning the administrative staff for four hours in their own buildings. Colonel Austin and his troops remained outside the enclosure and life appeared to go on as usual within the Center. On November 3d they launched another series of minor disturbances. It is significant to note that the disturbances of November 1st and November 3d occurred in broad daylight in full view of Colonel Austin and his troops. The riot of November 4th was launched at about 10 o'clock in the evening. The Japanese had taken elaborate precautions to make it perfectly clear to anyone that it was their intention to burn the wooden buildings in the Center. Boxes of inflammable material had been prepared and placed under the buildings, the caps had been removed from gasoline tanks of all civilian-owned automobiles, as well as from the cars and trucks in the Center's motor pool and vehicles had been carefully placed to block the entrances and exits of the Center. When the actual rioting started, Colonel Austin and his men moved in promptly. The demonstration abruptly ceased.

Committee investigators are convinced that the Japanese at Tulelake were quite familiar with the legal phases of the situation in which they found themselves, and that the demonstrations of November, 1943, were deliberately designed to provoke these legal questions and at the same time create propaganda material against the United States for the use of the Imperial Japanese government. The Japanese performance during the four-hour period, heretofore described, had all of the aspects of a well-planned dramatic production. While clubs were waved in the air, knives and swords brandished, addresses made over a public-address system, and the entire Caucasian personnel kept imprisoned in the administration building, no serious damage was done. Although the boxes of inflammables were carefully placed under the wooden barracks, nobody had a match to start the conflagration. It might logically have been expected that the Army would have immediately moved in and taken control, thus placing the United States Government in the anomalous position of making prisoners of war out of its own citizens. The committee believes that these disturbances at Tulelake were carefully staged for this purpose.

The members of the committee, as well as many informed persons in the State and Nation, while recommending segregation of the loyal Japanese from the disloyal, looked upon the War Relocation Authority's decision to establish a center for disloyal Japanese in California as ill-advised.

One of the committee's investigators reported on this subject August 6, 1943:

> "That this State was teeming with Japanese activities for years prior to Pearl Harbor is an established fact. That the Army is convinced that no person of Japanese descent should be permitted in the State, at least for the duration of the war, is manifest from the evacuation order itself. It is conceded by everyone familiar with the facts that there are several thousand fanatically subversive evacuees both at Manzanar and Tulelake Centers. California has tremendous industrial facilities turning out the materials of war on a gigantic scale. The aircraft factories of California have turned out nearly 40 per cent of all the Nation's planes. Throughout the

> State are shipyards, chemical plants, mills, military and naval installations, embarkation ports and air bases. It was not so long ago that anti-aircraft batteries were firing at enemy planes in Southern California, that an enemy submarine hurled its shells into oil installations off the coast near Santa Barbara, and that ships were being sunk almost within sight of the coast off Santa Cruz and Monterey. If there is any State in the Union that should be entirely free of subversive Japanese, that State is California. Yet, with eight other centers in the United States, the Relocation Authority has recently announced that it intends to gather together all of the subversive evacuees and place them in Tulelake Center, Modoc County, California.
>
> "According to a statement which appeared in the *Pacific Citizen*, issue of July 17, 1943, 6,300 evacuees have asked for repatriation to Japan and 7,500 others gave negative or qualified answers to the Relocation Authority's loyalty questionnaire. Thus, there are certainly at least 13,800 evacuees who would readily be classified as disloyal. It should appear obvious that of all the places in the Country where these evacuees could be placed, the War Relocation Authority has picked the most dangerous."

Despite a flood of protests and resolutions of organizations such as the *American Legion* and the *Native Sons of the Golden West*, civic organizations and Legislative committees, the War Relocation Authority proceeded with its program to make Tulelake a center for subversive Japanese evacuees exclusively. A result of this decision and action was the three-day riot which occured in November of 1943. The committee is pleased to note the recent decision of the Government in moving these subversive evacuees from Tulelake to various Japanese prison camp centers.

THE RELOCATION CENTER AT POSTON

Committee representatives undertook to investigate reliable reports of Japanese evacuees coming into California across the Arizona border at Parker, Arizona, despite the order of General De Witt barring all persons of Japanese descent from most of the California area for the duration of the war. The only exception to this rule was by permission of the Army.

The War Relocation Center at Poston is near Parker, Arizona. The committee learned that parties of evacuees were in the habit of driving Government trucks and were observed on picnic parties at points from 14 to 22 miles from the center. It was not unusual for parties of evacuees, driving Government trucks from Poston, to visit cocktail lounges. Large slabs of laminated rock covered with century-old Indian hieroglyphics, were pried loose with crowbars and hammers in the Arizona desert and transported to Poston for Japanese fish ponds. Parties of

Japanese evacuees journeyed by Government truck to the town of Parker on shopping tours. Government trucks from Poston, driven by evacuees, came to Parker daily to pick up hundreds of railway-express packages at the platform of the Santa Fe railway station. The packages were taken back to the center and distributed to the addressees without inspection by the center authorities.

Committee investigators met the trains that stop at the Santa Fe station at Parker and on several occasions took photographs of Japanese who were visiting friends in the Relocation Center. Japanese evacuees boarded the train at Parker and rode into California, either to points within the State or for destinations out of the State via some California junction point. The railroad followed a route on the California side through a large area of desert country where American tank forces were holding dress rehearsals for battle.

The committee had been informed, prior to this investigation, that Japanese evacuees had been coming into California by walking across the sand-bars at a low point in the Colorado River. The citizenry of Parker, Arizona, and witnesses on the California side of the river laughed when this report was repeated to them. The committee learned that the Japanese merely drove across the bridge from the Arizona side to the California side and made no attempt whatever to conceal their movements. They were never accompanied by civilian employees of the Relocation Center or by Caucasian guards.

COMMUNIST POLICY ON THE JAPANESE

American Communists are guided in every detail by the policy of the Soviet Union. Moscow is the modern mecca of these Marxist dialecticians and Stalin is the prophet. Soviet Russia embodies, in the minds of all Communists, the first concrete accomplishment of revolutionary Marxism. Their ever-present objectives, still somewhat remote in the future, is the destruction of all capitalistic society and institutions and the creation of world Communism. The ultimate objective is to be reached only through the application of Marxian dialetic to the "day-by-day struggle." The masters of "scientific" socialism, in the opinion of all Communists, are concentrated in Moscow. Hence the blind obedience and unquestioning loyalty to Soviet directives and Soviet policy.

The 1943 Report of the Committee called the Legislature's attention to the policy of American Communists during the Hitler-Stalin Pact, which ended abruptly with the invasion of Russia by Germany in June of 1941. Up to the day of the invasion the American Communists were attacking President Roosevelt as a "war monger" and terming the European conflict as a "British imperialist war." They organized and dominated the so-called *American Peace Mobilization*, called for an embargo on war material to belligerent countries, advocated an isolationist program for the United States and instituted a series of strikes in defense factories throughout the nation.

The continuous aerial bombing of London and Great Britain had no effect on the isolationist program of the American Communist. But when Hitler's hordes poured into the "holy land" of "Scientific Socialism" Communists everywhere were moved to vigorous action. President Roosevelt was a "war-monger" no longer, the *American Peace Mobilization* and the isolationist program were forgotten. The epidemic of Communist-inspired strikes in defense plants and war industries abruptly ceased and the "British imperialist war" over-night became a "People's war." They now clamored for the lifting of the embargo so that war materials could be made available to the Soviet Union. Without considering the cost in lives and material, the time or the state of preparedness, the Communists set up cries for an immediate "Second front."

It was still nearly six months from December 7, 1941, when American Communist policy changed for the protection of the Socialist fatherland. The Japanese sneak attack on Pearl Harbor brought the United States sharply into line with Communist Party policy, although Russia continued at peace with Hirohito. Japan and Russia have remained at peace throughout the intervening months.

The attitude adopted by the American variety of Communist toward the Japanese in general and the Japanese evacuees in the Relocation Centers in particular, is partially explained by the fact that Japan and Russia have remained at peace. The policy or "line" directives, since early in 1942 projected from the Communist Party viewpoint, would read as follows:

> "All Communists are ordered to minimize the Japanese danger. All large military efforts in the United States must be directed to Europe. Our immediate task is the defeat of Hitler and the protection of the Soviet Union. Smear anyone who advocates major activities against Japan at the present time. Our historic course with Japan will be determined at the conclusion of the war with Germany. Meanwhile our traditional role as the champions of racial equality must be maintained."

This directive is clearly indicated in the columns of the Communist press, *"The People's Daily World."* Communist writers have constantly ridiculed the attempt of official legislative committees in their objective studies of the Japanese problem. Typical articles clearly indicating the current Communist policy on the Japanese question have appeared with significant frequency in Communist Party publications since the United States was treacherously attacked by Japan.

The *"People's Daily World"* for November 11, 1944, reported the Tulelake Relocation Center disturbances, under the date line of November 3, 1943, as follows:

> "EXAMPLE OF FIFTH COLUMN TECHNIQUE
> "FALSE RUMORS
>
> "Tulelake, California, Nov. 3—Widespread reports of rioting at the Japanese Relocation Center at Tulelake have been inspired by German agents and have played directly into the hands of Nazi and Japanese propagandists.
>
> "So declared the authorities of the War Relocation Authority, who branded as 'subversive lies', rumors that 5,000 Japanese had laid siege to the Tulelake Administration building and had to be dispersed by troops using tear gas.
>
> "W. R. A. officials disclosed that in regard to one false report of trouble at the Center 'four telephone calls were received by us from widely scattered areas within five minutes after the incident was supposed to have occurred.'
>
> "There is no doubt that subversive individuals, or groups, are planting these stories,' the authorities stated."

It is of passing interest, and certainly a matter of deep significance, that the *"People's Daily World,"* failed to carry stories of the November 4, 1943, rioting at Tulelake. Magazines and newspapers all over the United States carried accounts of this demonstration. Committee members and attaches have been unable to find a single word in *"The People's Daily World"* on this event. The readers of the Communist publication were apparently to be left in the dark as to the true situation and were to believe that metropolitan newspaper accounts of the use of United States troops in quelling the riots were the "subversive lies" of "Nazi agents."

Current Communist Party policy on the Japanese question is indicated in an editorial by Communist John Pittman in *"The People's Daily World"* for Wednesday, July 21, 1943. "According to our coverage of the (Governor's) conference," the editorial states, "Governor Warren's sole contribution to the solution of the problems of the Nation and the world, now in the most critical period of history, was a claim that the release of the Japanese-Americans from the relocation centers in the west, had created a danger in the country . . . it bears the indelible stamp of an incorrigibly provincial mind, surveying the universe from the top of an ant hill, and at that, through the wrong end of a telescope. Its pettiness is exceeded only by its falsities, for in actual fact the release of loyal Japanese-Americans from Relocation Camps for integration in industry and the armed services has been a boon rather than a danger, to the war effort. More to the point, it smells of the 'Pacific first' dung-hill, explicitly minimizing the menace of Hitler, all too few of whose saboteurs amongst us have been tried."

The Communist Party had made converts among the Japanese population in California before Pearl Harbor. Soviet policy in the Far East and the ultimate objective of world Communism will dictate the "scientific" policy for Communist treatment of the Japanese, both in the United States and abroad. The committee states unequivocally and without fear of contradiction by future events, that the American Communists will vociferously echo Soviet policy, both as to the Japanese war and postwar diplomacy. Meanwhile American Communists remain neatly balanced on Soviet neutrality, awaiting the Stalinistic determinism of Moscow's dialecticians and "the correct course to be pursued" as finally established by Kremlin metaphysicians. They will then leap into the fray on the side of the fence indicated by Marshal Stalin's pipe.

AMERICAN PRO-JAPANESE ORGANIZATIONS

The Committee has recognized a number of organizations composed entirely of American Caucasians manifesting great solicitude and concern for Japanese evacuees and frankly created in their behalf. Many of these organizations are quasi religious and pacific in character and concern themselves with conscientious objectors as well as with the Japanese. They declare that they are primarily concerned with the civil liberties of the *Nisei*, taking the attitude that the Federal Government is either unable or unwilling to protect them in these guarantees. Through spokesmen and literature these organizations have been, and are, diffusing a sticky-sweet atmosphere over the problem. Their spokesmen blandly state, and they announce by leaflet and pamphlet, that there is no evidence of the Japanese engaging in subversive activities before December 7, 1941. The evidence to the contrary is overwhelming. No less an authority than Saburo Kido, National President of the *Japanese-American Citizens League,* declared in the July 17, 1943, issue of the *Pacific Citizen* that "Japanese-Americans would be the first to deny that all of their members are 100 per cent loyal."

Togo Tanaka testified before the committee in Los Angeles early in 1942 (Com. Tr., Vol. X, pp. 2843-2889). His testimony is digested in the Committee's 1943 Report at page 332 to 336 inclusive. Tanaka is American-born. He attended the Los Feliz Elementary School and the Thomas Starr King High School, Hollywood High School and the University of Southern California, where he majored in political science and from where he was graduated in 1936. Shortly thereafter he became the editor of the English section Japanese newspaper, *"Rafu Shimpo,"* a Los Angeles publication with an extensive circulation throughout the entire Pacific Coast area. The paper was printed in the Japanese language for the greater part and, from time to time, the management published a Japanese directory. In 1941 the *"Rafu Shimpo"* issued a directory containing more than 500 pages setting forth material collected in the United States under the direction of the *"Rafu Shimpo"* staff. This material was sent to Japan where it was compiled and where the directory was printed. The names and addresses of thousands of Japanese, *Issei, Nisei* and *Kebei*, are contained in the volume. When Tanaka testified, the committee learned that several significant pages had been removed from the directory. The witness admitted that the publication was about 90 per cent subversive. The witness believed that most of the Japanese organizations in California were under the domination of the *Issei*.

The committee has been interested in charges made by certain pro-Japanese groups that West Coast opposition to the return of the Japanese emanates from Caucasian agricultural interests and that the opposition is founded on selfishness. As far as the committee and its investigators have been able to ascertain there is little or no factual basis to this charge. The latest official figures available (1940) indicate that although few industries are as highly competitive, Japanese competition was not a dominant factor in the produce and farming industry. In 1940, the three Western Pacific Coast States, California, Oregon and Washington, had a Japanese population of 112,353 or about 85 per cent of the National total. Only 45 per cent of that number were engaged in agriculture. In 1940 the California Bureau of Agricultural Economics estimated that there were only four crops in the State of which the Japanese produced in excess of 50 per cent of the total, namely, snap beans, cauliflower, celery and garlic. The Japanese operated about 6000 farms in the three West Coast States. This amounted to a little over 2 per cent of the total number of farms operated. In California, Oregon and Washington 97 per cent of the farms were operated by nationalities other than Japanese.

Much of Japanese farming was done by unpaid family workers. Available statistics indicate that most of these unpaid agricultural laborers were women and girls. The committee is informed that although Japanese women were only 1.5 per cent of all employed women in the Pacific Coast States, they represented 48 per cent of all unpaid family workers on West Coast farms. More than one out of five Japanese engaged in agriculture was an unpaid family worker.

The committee is also aware of the existence of certain organizations created for propaganda and activity against all Japanese, regardless of loyalty or disloyalty, or whether American or foreign-born. These organizations, through their spokesmen and literature, are as vociferous in their condemnation of all Japanese as the pro-Japanese organizations are in their behalf. They resort to vilification and appeal to war prejudices in a tirade of abuse against all persons of Japanese descent, branding all and sundry as "faithless, untrustworthy, irresponsible, inhuman, ungodly, soulless and disloyal!"

Somewhere between the hysteria of the vigorous anti-Jap groups and the naive pacifist-conscientious-objector pro-Jap group is the balance-bar of equity and justice for the American-born Japanese. About halfway between the extreme pro and con charges of both groups is the true story of the Japanese evacuation and the relocation centers in California. When the full story is told it will be filled with drama; with comedy and tragedy, with suffering and self-sacrifice, with villainy and heroism, with deep shadows and bright sunlight—a story bewildering in its complexity of delicate problems.

THE JAPANESE-AMERICAN CITIZENS' LEAGUE

The *Japanese-American Citizens League* held its first annual conference in three years at Salt Lake City early in December of 1944. The conference had the endorsement of the War Relocation Authority. Dillon Meyer was scheduled to speak, but did not appear. Official representatives of the *Pacific Coast Committee on American Principles and Fair Play, Friends of the American Way,* the Methodist Church and similar groups attended. The Caucasian delegates proposed a five-point program which was unanimously adopted. The program is as follows:

1. To restore to Japanese all rights lost as a result of evacuation.
2. To restore all losses sustained as a result of evacuation.
3. Intensify campaign at Tulelake to get Japanese to sign a slip of paper changing their status on loyalty. (This is called "Giving the Japanese another chance.")
4. A campaign to influence Congress to amend immigration laws so that citizenship may be granted to Japanese aliens in the United States.
5. Campaign to open immigration to Japanese after the war. (Repeal of the Oriental Exclusion Act.)

This program, of course, contemplates the lifting of all restrictions on the Japanese. This has practically been accomplished, as far as American-born Japanese are concerned, by the War Department on the revocation of its order excluding all Japanese from the Western Defense Area, and the Supreme Court's recent decision on the subject. The program to restore all losses sustained by the Japanese as a result of evacuation probably contemplates hundreds of civil suits against the Government for losses incurred by the sale of personal effects, household goods, real property, and the recovery of wages, salaries and profits due to loss of earning power for three years. The plan to bring suit against the Government for the recovery of wages, salaries and profits is said to have been discussed by the *American Civil Liberties Union.*

The Imperial Japanese Government, until Pearl Harbor, never relaxed its tenacious hold and influence over the lives of all Japanese in the United States, whether alien or American-born. Supplementing the psychological control exerted by fanatical ideologies, a direct hold and domination over all Japanese on the West Coast was established and maintained by an intricate web of interlocking associations. Some of these associations were business and industrial, while others were social. Virtually every Japanese was a member of several associations. They were generally linked, directly or indirectly, to the Japanese Consulate. No Japanese, whether American or foreign-born, dared disobey edicts of his association without jeopardizing his business and social existence.

The committee has heretofore pointed out that the *Issei* thoroughly control the thinking and the action of the Japanese population born in the United States. There have been some claims since the evacuation of the Japanese that this domination of the *Nisei* (American-born Japanese) by the *Issei* (foreign-born) has been broken and that the American-born Japanese are now free of the domination and guidance of parents born and indoctrinated with Japanism. The facts appear to contradict this claim.

It was announced that the delegates from the Heart Mountain (Wyoming) Relocation Center to the conference at Salt Lake City was an all-*Issei* delegation. There are many thousands of Japanese evacuees at Heart Mountain with a very large percentage of American-born Japanese. If the *Issei* domination no longer exists, why was it that a delegation of *Issei* (foreign-born) should be selected to attend a conference that purported to plan the future of the Japanese in the United States?

CONCLUSION

The committee is informed that as a result of its investigation unescorted Japanese are no longer permitted to enter this State from Arizona at will. Letters and packages addressed to alien Japanese or those evacuees suspected of disloyalty are now opened and inspected before being delivered to the addressees.

The committee does not contend, and never has contended, that all Japanese evacuees are disloyal to the United States. As a result of intensive investigation the committee finds that the great majority of *Issei* (foreign-born Japanese) are loyal to Japan. The committee believes that the *Issei*, for the greater part, if given the opportunity, would do everything in their power to further the war aims of Japan. The committee finds that the *Kebei* (American-born Japanese who have spent several years in Japan for purported educational purposes) are definitely in the "suspect" class as far as loyalty to the United States is concerned. The committee finds that the *Nisei* (American-born Japanese) were, to a great extent, engaged in pro-Japanese activities before Pearl Harbor. Many of these American-born Japanese are disloyal to the United States, while many of them have illustrated by their conduct since Pearl Harbor their loyalty to the land of their birth. Many of the *Nisei* have enlisted in the armed forces of the United States and have distinguished themselves as United States soldiers on the field of battle.

The committee believes that every American citizen of Japanese descent who has demonstrated his or her loyalty to the United States during these trying times should be extended every opportunity of developing their Americanism and taking their respective places in communities of their choosing with all the rights guaranteed to all American citizens.

The committee believes that the evaluation of the loyalty of any particular Japanese, *Issei, Nisei or Kebei,* should include a consideration of their conduct and activities both before and after Pearl Harbor. Allowances for the influence and domination of the *Issei* over the *Nisei* prior to December 7, 1941, should be made in such evaluation.

The committee is in possession of authentic reports of outstanding acts of heroism on the part of American-born Japanese in the armed forces of the United States, both in Europe and in the Pacific war against the Japanese. These men, and such Japanese as Tokie Slocum, who was made a citizen of the United States by a special act of Congress for his service in France with Sergeant York, should be honored as patriotic American citizens.

The committee believes that the only issue involved, is the issue of loyalty to the United States. It is not a question of race. It is only a question of Americanism.

Loyal American-born Japanese evacuees look upon their detention in the Relocation Centers as a necessary sacrifice for the land of their birth. They, better than any Caucasian, know that there are many among them who could not and should not be at large during the war. The War Relocation Authority is in the best position to pass judgment on the loyalty of this class of evacuee.

The committee is in possession of authentic information that the loyal Japanese evacuees prefer to wait for the end of the war before attempting to return to their former communities. In view of the recent Supreme Court decision and the attitude of United States Army officials, the committee believes that the Relocation Centers should be maintained for those evacuees who voluntarily elect to remain in them until the end of the war.

The Japanese people are fanatical in their faith that they are destined to conquer the world. They traditionally measure time in terms of generations and centuries, and reverses and defeats in the span of a single generation are merely incidents in the sweep of time, to be expected and endured. They are a "holy" race and their land is "holy," literally begotten of the gods. Their cause is "holy" because it is divinely inspired. Ultimate victory will be theirs because the gods have divinely ordained it. Unless Japan is utterly crushed and broken in this war and her power to make war forever destroyed, defeat will be regarded as a temporary set-back and the Japanese people will begin again to build methodically for another attempt at the destiny they believe their gods have planned for them.

* * * * * * *

Respectfully submitted.

JACK B. TENNEY, Chairman
HUGH M. BURNS
NELSON S. DILWORTH
Minister Santa Monica JESSE RANDOLPH KELLEMS, Ph.D.
RANDAL F. DICKEY.

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255 A few of the references to the San Diego Union-Tribune coverage of the treason conviction of an American of Japanese ancestry. Generally, these are the substance of the many more clippings available.

Col. Boris T. Pash AU.
PO Box 4336
San Rafael, CA.

Witnesses to Tell Of Kawakita Acts

K

UNION JUL 25 1947

LOS ANGELES, July 24 (AP)—Three key witnesses will be brought from Japan to testify at the treason trial of Tomoya Kawakita, Japanese American, it was announced today by James M. Carter, U. S. Attorney.

The three Japanese witnesses, who will be asked to tell of Kawakita's activities as a Japanese prison camp foreman, were named in a bill of particulars filed preliminary to the Federal Court trial starting Oct. 21. They are:

Meiji Fujisawa, prison camp interpreter; Soturo Mori, President of Nippon Metallurgical Industries, which used prisoner of war labor; and Takeshiro Hayakawa, personnel manager of the firm which employed Kawakita as a foreman. Fujisawa, like Kawakita, was born and reared in Calexico, Calif., Carter said.

Jap 'Water Cure' Punishment Told

UNION JUL 2 [illegible]

LOS ANGELES, July 1 (INS)—Jurors at the Federal Court treason trial of Tomoya "meatball" Kawakita were told today how the California-born Japanese inflicted a "water cure" type of punishment of an American prisoner of war.

G. A. Sturlock, of Austin, Tex., testifying for the government, said the victim of the punishment was a prisoner named Woodrow Shaffer. The witness related:

"I saw Shaffer squatting on a wooden platform about 6 feet high. A bamboo pole had been placed behind his knees and he was holding a bucket of water with his outstretched hands above his head." United States Atty James M. Carter asked:

"Was Kawakita there?"

Sturlock replied:

"Yes. He and another Jap refilled the bucket with water every time Shaffer spilled it on himself."

BEATING OVER GUM TOLD AT TRIAL OF KAWAKITA

UNION JUL 9 1948

LOS ANGELES, July 8 (AP)—Over a gum-chewing incident, a former American war prisoner testified today that Tomoya Kawakita slugged him three times, breaking his nose.

Ex-Master Sgt. David D. Huddle of Denver, was a government witness at the trial of the American-born Kawakita. The latter is charged with treason and committing acts of brutality upon American war prisoners while he was an interpreter at Oeyama Camp in Japan.

Declaring his weight had dropped to [illegible] pounds, Huddle testified he was digging ore at the Oeyama nickel mine when he encountered Kawakita.

"Kawakita stopped me and asked if I was chewing gum," said Huddle. "I said I wasn't. Kawakita grabbed me and opened my mouth. I didn't have time to swallow the gum and tried to hide it under my tongue. He looked and found it and said, 'you lie.'"

"Then he held me by the shirt front and hit me three times in the nose and broke it."

Ex-Prisoners Accuse Nisei

1948 UNION JUN 25 [illegible] K

LOS ANGELES, June 24 (UP)—Two former American Army enlisted men today told how they and other prisoners at Oeyama prison camp outside Tokyo were mistreated by Tomoya "The Meatball" Kawakita.

At Kawakita's treason trial before Federal Judge William Mathes, Marcus A. Reel, of Santa Fe, N.M., told how the Calexico-born Nisei interpreter threw him and two other prisoners into a cesspool for taking chocolate bars and cigarets from Red Cross supplies.

Around Christmas of 1944, Reel said he was working in a nickel mine and a supervisor sent him to a tool room to rest because he had a fever of 102.

"Tomoya (Kawakita) came in and hit me on the head with a stick," he said. "He told me I was lazy and ordered me back to work."

Earlier in the day, David Carrier, of Corpus Christi, Tex., told how Kawakita twice struck another prisoner named J. C. Grant.

'Meatball' Plea For Mercy Set On Death Order

TRIBUNE OCT 14 1952

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LOS ANGELES, Oct. 14 (INS)—Lawyers for Tomoya "Meatball" Kawakita, an American born Japanese convicted of wartime treason, today prepared to appeal for modification of his death sentence.

The U.S. Supreme Court yesterday refused to reconsider its decision of last June upholding the treason conviction. The high court's new ruling leaves the Government free to carry out the execution of Kawakita.

He was found guilty in 1948 of cruel mistreatment of American prisoners of war at a Japanese prison camp.

Attorney Morris Lavine said he will ask Judge Williams Mathes for humane consideration since the commander of the camp in Japan received only 15 years for similar charges and two assistants also received lesser sentences.

Kawakita was recognized by one of his victims in a Los Angeles department store. He was in this country nine months before he was arrested.

Nisei Released In One Of Last Kennedy Acts

UNION NOV 30 1963

N7

LOS ANGELES (AP) — A Los Angeles attorney said yesterday that one of President Kennedy's last acts was to grant freedom to a Japanese-American born in Calexico who is serving a lifetime prison term for treasonable wartime brutality.

A10

Attorney Morris Lavine said he has received a telegram saying President Kennedy signed an order for the release of Tomoya Kawakita on the condition that Kawakita leave the United States and never return.

Kawakita, 43, was convicted in federal court here in 1948 of committing eight acts of treasonable brutality against U. S. prisoners while serving as an interpreter in a prisoner-of-war camp at Oeyama, Japan, during World War II. Kawakita was sentenced to death, but President Eisenhower commuted the sentence to life imprisonment Nov. 2, 1953.

Kawakita, who contended from the outset that he was innocent, is in the federal prison at McNeil Island, Wash.

Kawakita was born of Japanese parents. He grew up in Southern California and went to Japan in 1939 to study. He said he was there when the war broke out and the Japanese wouldn't let him leave. Because of his parentage, he said, they considered him a Japanese citizen.

Kawakita returned to the United States in 1946. He was arrested here a year later after a former prisoner of the Japanese recognized him in a store.

Thirty-five former U.S. servicemen who survived the Bataan death march testified during Kawakita's three-month trial that he abused them in a prison camp.

War Criminal Leaves For Tokyo

UNION DEC 13 1963

W

SEATTLE, Wash., (UPI) Convicted war criminal Tomoya (The Meatball) Kawakita left by plane for Tokyo last night with words of thanks for the late President Kennedy and others who helped win his release from a federal penitentiary.

A27

"I want to thank God, the late President Kennedy, my three sisters, and all the people in the United States who wrote letters and tried to help," Kawakita said.

Kawakita was convicted of treasonable brutality to American prisoners of war while he was serving as an interpreter in Japan's Oeyama prison camp. He was ordered released by Mr. Kennedy.

COMMISSION ADMITS THEY ELIMINATED "CONFLICT" IN THEIR REPORT - THEY SIMPLY ELIMINATED ALL TESTIMONY WHICH CONFLICTED - ALL OPPOSITION!

Testimonies of Hon. John J. McCloy, Br. Gen'l. A. W. Beeman, Counter Intelligence Chief, Western Defense Command Col. Boris T. Pash, Evacuee Rachel Kawasaki, Gov't. workers C. Treadgold, and Celia Koegel, Col. (in charge of centers) Karl Bendetsen, Major Oliver Anjo, Evacuee Shonin Yamashita, Milton Eisenhower, and countless others, also previous documentation such as 4-16-45 Un-American Activities CALIF. report for Calif. Senate, FINAL REPORT (written by Col. Karl Bendetsen) etc. — written forcibly by C [illegible]

PAGE 6A / WEDNESDAY, JUNE 20, 1984/N The Washington Times

Chairman says panel on relocation did its best to summarize testimony

THE WASHINGTON TIMES

Joan Bernstein, chairman of the commission that recommended $20,000 to each of an estimated 60,000 ethnic Japanese relocated from the West Coast during World War II, insisted yesterday that her group conducted the most thorough investigation of the evidence that was possible.

"We talked to more than 700 people; we examined original documents and we consulted government historians and State Department and Defense Department people who were there at the time," Mrs. Bernstein said in a telephone interview.

The commission's report, "Personal Justice Denied," nearly 500 pages long, was necessarily a summary of the millions of words compiled in a series of hearings, as well as the available documents, she said.

Mrs. Bernstein was responding to criticisms of some witnesses, such as Lillian Baker, a California author, that their testimony was not included in the report.

Mrs. Baker, an outspoken foe of paying any reparations, told a Senate subcommittee on July 27 that she was "not allowed to testify." She said 18 of the 25 minutes of her testimony were taken up with questions.

"I obviously don't agree [with Mrs. Baker's statement]," the commission chairman said. "She objected strenuously to being limited in time, as a lot of others did, and as chairman I limited her time. I told her, as I told everyone, she could submit material, and we would make it part of the record, which we did."

> *Mrs. Bernstein said Congress has the option to consider selective reparations, paying money on the basis of individual cases or whatever formula it devises.*

However, none of Mrs. Baker's submitted material, which includes statements, letters and historical records arguing that there was no justification for reparations, was included in the commission's report, which is the part of the panel's study which is most often seen by the public and most of the reporters.

The testimony of others who opposed reparations, such as former California Sen. S. I. Hayakawa and Rachel Kawasaki, who was a resident in the relocation camps, were also excluded from the report.

"There was no way we could possibly do anything other than summarize," said Mrs. Bernstein. "Another point is that the commission had to make assessments of the credibility of the testimony. When there was a conflict, we did that."

Many persons who have argued against blanket reparations for all evacuees point out that the relocation center at Tule Lake, Calif., for example, was changed in July 1943 to a detention center because some 18,422 ethnic Japanese had either requested repatriation to Japan, refused to declare their loyalty to the United States or were family members of these people.

These, as well as thousands of others detained by the Department of Justice in seven separate internment camps in North Dakota, Texas, Montana and New Mexico, were rightly or wrongly often referred to as the "disloyals."

Would those whose loyalties lay with Japan during the war also receive $20,000?

Mrs. Bernstein said Congress has the option to consider selective reparations, paying money on the basis of individual cases or whatever formula it devises.

"Congress can do whatever it wants. If Congress wants to set up a procedure to look at [the losses of] individuals, they can do that. They asked us for recommendations, and [our recommendations] can be substantially modified.

"The idea is, it was a very difficult thing to arrive at some figure, if you will. You have to consider things like deprivation of liberty and education foregone. Many of those people have said there is no amount that can compensate them."

— Gene Goltz

Senator STEVENS. Our next witness is Frederick Wiener.

TESTIMONY OF FREDERICK B. WIENER

Mr. WIENER. Thank you very much for letting me appear. My name is Frederick Bernays Wiener. I live in Phoenix, AZ. I am a retired lawyer; I am also a retired Colonel, Army of the United States.

I appear in opposition to this bill because it would have Congress carry out the recommendations and approve the findings of the Relocation Commission.

It states in section 1(a)1 that the Commission's report is both complete and accurate.

Now, in actual fact, the Commission's report is completely untrustworthy and therefore if the bill were to be enacted in its present form, it would be, in the words of an outstanding 17th Century American, "A solemn public lie."

Now, the character of the Commission's report should be unsurprising to anyone who has looked into the four built-in factors of bias that characterized the Commission's work.

The first of those were the terms of reference in the act creating the Commission. That body was required to look into the effects of the relocation on American citizens and on permanent resident aliens.

There is nothing, not a word in the entire legislative history, to show that this language removed the enemy alien disability status from over a third of those relocated, because under the Enemy Alien Act of 1798 which is still on the books as 50 USC 21, every enemy alien in time of war is subject to internment. The only right that an enemy alien has as distinguished from a friendly alien is to go to court and to challenge his enemy alien status, or to challenge the existence of the state of war. That is the plain language of the act; it was sustained by the Supreme Court after World War II in the cases I have cited in my written statement.

Interestingly enough, although Thomas Jefferson sowed the seeds of secession in his opposition to the Alien Act of 1798, he considered the Enemy Alien Act completely unexceptionable. And in that respect the Supreme Court opinion in *Ludecke* v. *Watkins,* 335 U.S. is confirmed by the volume in Dumas Malone's Jefferson biography, the third volume—just look up the Enemy Alien Act references in the index.

What these terms of reference did was to attach retroactive naturalization to one-third of those relocated without a word in the legislative history of the act creating the Commission that this was being done.

My second point, it is the second bias flaw, is that the Commission was stacked. The majority of the Commission was composed of persons of considerable public service whose reactions and points of view were well known and predictable, so that once the membership of the Commission was announced, it was perfectly clear what the result would be.

But worse than that, Mr. Chairman, one of the Commissioners had publicly expressed a view on the whole Japanese relocation process. He said in testimony to a congressional committee, "it was a black page in our history. This is a horrendous thing," he said. "We made that mistake and the majority of the Supreme Court at the time failed to condemn the mistake."

I simply put this question to you, Mr. Chairman: Was it proper for an individual who had thus expressed an earlier view, was it proper for him to sit on an investigatory commission? That Commissioner was ex-Justice Arthur J. Goldberg.

The third element of bias was the Commission staff. About 40 percent of the staffers listed in the report had Japanese surnames, and another staffer was married to a staffer with a Japanese surname. One of the staffers contributed to the work of the Commission by adducing testimony before it.

The fourth element of bias was the conduct of the hearings. Now, when Mr. McCloy, the former Assistant Secretary of War, was called, he said that every time he said something favorable to the United States or defended the proceedings, he was met by hoots and hisses and foot stamping, and in all his life, he later said before a subcommittee chaired by Senator Grassley, it was the worst reception he had ever met in his life.

That, Mr. Chairman, is Japanese-American Evacuation Redress. It's the Administrative Practice and Procedure Subcommittee of the Senate Judiciary Committee. The bill was S. 1520. And Mr. McCloy goes into more detail there.

Now, it was impossible therefore for the Commission to come up with a trustworthy report.

Let me read the one sentence in that report from page 28, which constitutes the Commission's major mistake. "There was no evidence that any individual American citizen was actively disloyal to his country."

Mr. Chairman, that is demonstrably false. Two Japanese-Americans were duly convicted of treason. A third committed treason, it is noted by the Commission in a footnote, although they didn't have the wit to note that it was a treasonable act; 8,000 Japanese sought repatriation. When the American citizens of military age in the camp were asked whether they would volunteer for military service, 94 percent refused. When the Japanese-Americans in the camps were asked whether they would declare loyalty to the United States, over a quarter refused affirmative answers.

The Commission calls the loyalty program "divisive." Well, I submit that if these people, many of them with dual nationality—although the figures in the Commission's report seem shaky and unreliable—if these Japanese-Americans were really 100 percent American in their total outlook, the loyalty program wouldn't have been divisive. And the Commission is really in this position. It denounces the Government for having relocated everybody—loyal and disloyal alike—and then it denounces the Government for trying to separate the loyal from the disloyal.

Now, when the most disloyal were separated through this program, they were sent to Tule Lake. About that time Congress passed an act permitting American citizens to renounce their citizenship. There was a veritable rein of terror at Tule Lake led by Japanese nationals and led also by Japanese-Americans to force these Japanese-Americans to renounce their citizenship through beatings and stabbings, and there was one actual homicide.

I am looking for the findings—I have them here—at the end of the hearing I will submit them.

The entire story appears in the case of *Acheson* v. *Murakami*, 176 F.2d—a case not cited by the Commission.

One of the leaders of this pro-Japanese anti-American Tule Lake group that forced 5,000 American citizens to renounce their American citizenship in time of war, was a man named Kiyama, and also his wife. These were people of Japanese descent born in the United States.

After V-J Day, when the war was over, Kiyama announced that his loyalty still stood with Japan and he wasn't going to change his loyalty for anyone. I commend his personal point of view; he wasn't just loyal to Japan when the going was good, he was loyal to Japan when the going was bad. But certainly the act of forcing thousands of American citizens to renounce their citizenship was an act of positive disloyalty to the United States, and that's why I say this volume is untrustworthy.

Yet, under the pending bill, the Kiyamas would be entitled to $20,000 each—the father and mother if still living, and their two children now in Japan. They tried to get their citizenship back; he wasn't denied due process, he was accorded undue process. He was in the courts 11 years before they finally said, "No, Mr. Kiyama, you are not entitled to American citizenship"; and yet he would get $20,000; the attorney-general would have to look him up and search for him in Japan; and Congress would apologize to him for having locked him up during the war.

Now, the major omission in the relocation report is that, following the terms of reference, it says nothing about the Enemy Alien Act under which 36 percent of the persons relocated were treated according to law, and yet Congress is supposed to apologize them him for having acted under a law that Thomas Jefferson, who disliked the Alien Act, found unexceptionable and we are supposed to pay the survivors $20,000.

Senator **Stevens**. Mr. Wiener, is that list still preserved of those removed under the Alien Act, as opposed to those who were interned?

Mr. **Wiener**. Well, there are really two groups. One is—you mean just Japanese nationals, or do you mean German and Italian also?

Senator **Stevens**. No. Just the Japanese.

Mr. **Wiener**. I don't know. There were two groups; I've got the numbers somewhere in my extensive statement. They were interned as enemy aliens and that is where the Kiyamas ended up in a camp in New Mexico. There were more Japanese than Germans and only a few Italians. I do not know whether that list is retained; I do not know—I suppose in the litigation files you have the names of those who renounced their citizenship and then later thought better of it; and not all of them got it back because the court in the Ninth Circuit in the *Abo* case [186 F2d 766] said that there were many of them who were disloyal to the United States.

I come now to the statement in the report, which is repeated in section 1(a)(4) of the bill, which says the relocation was the result of racial prejudice, war hysteria and failure of political leadership.

Mr. Chairman, that just isn't so. One of the cosponsors of S. 2116, Senator Moynihan of New York, said on a TV program in my hearing, "Everybody is entitled to his own opinion, but no one is entitled to his own facts." The Commission reached that conclusion on the basis of its own very selectively chosen facts. They said there was racial prejudice in California and on the west coast, it was a way of life, there was economic prejudice because of the economic competition of a group that numbered less than 2 percent of California's population.

The one thing they omit, the Prince of Denmark whom they omit from their version of Hamlet, is the fact that when Japan launched its attack on Pearl Harbor—at the very time that the Japanese representatives were negotiating with Secretary Hull—the moment that happened, the entire Nation was filled with the hatred and loathing of everybody and everyone Japanese, and that was the reason.

It is very easy to prove that it wasn't racial. There are documented instances in the book by a man named ten Broek from whom the Commission quotes whenever they like what he says; ten Broek had documented instances of a Chinese-American, a Filipino and a black attacking Japanese ethnics.

In 1943, Congress repealed the Chinese Exclusion Act which had been on the books for 60 years. That wasn't racial prejudice, and it permitted the Chinese to be naturalized which they never had been before, and that certainly wasn't racial prejudice. Then when you consider the persons who made the decision, and first and foremost it was President Franklin Roosevelt who made it, and that is based on the report of a civilian Army historian, Stetson Conn, who investigated the whole decisionmaking process of the Japanese relocation.

Franklin Roosevelt didn't have a drop of racism in his entire body and neither did Henry Stimson or Robert Patterson or John J. McCloy.

Actually the ethnic bias is in the report and the bill, because both propose to give an apology and a substantial monetary sum without regard to enemy alien status, and without regard to loyalty.

As to war hysteria, remember what it was that the Japanese were taught in their language schools. "You must remember that only a trick of fate has brought you so far from your homeland, but there must be no question of your loyalty. When Japan calls, you must know that it is Japanese blood that flows in your veins."

That is from the Commission's report at page 39, and it is a quotation, Mr. Chairman, from your distinguished colleague, Senator Inouye of Hawaii, and that is part of his autobiography. It certainly wasn't hysteria to take reasonable precautions against people who have dual citizenship and had been exposed to such teaching.

As to the so-called failure of political leadership, there wasn't any failure of political leadership, they just didn't like the decisions. They are in disagreement with it 40 years later and none of them had the responsibility not only for the safety of the Nation that President Roosevelt had, but also for the safety of the entire free world.

We come now to the Supreme Court decisions that upheld the relocation process.

Senator STEVENS. I have to ask you, Mr. Wiener, if you can sum up pretty soon. We have a long list of witnesses.

Mr. WIENER. Yes. I will try to be very brief on that one subject.

There are three decisions with which of course you are entirely familiar: *Hirabayashi, Yasui,* and *Korematsu.*

What the Commission does is to scream at those decisions. It is impossible for anybody, no matter how learned and precise a lawyer, to read that report and find what was the actual rationale of the decision of the court in those cases. They tried to distinguish it. They are unsuccessful in that.

I had better leave that to the written statement. But their attempts to distinguish it and to indicate overruling wouldn't pass muster under the pass-fail standards of a third-rate law school. You never know if you take some person who—let's say an English lawyer—who knows nothing about it, and ask him to read the Commission report and try to find from that what it was and why it was that the Supreme Court upheld the process; they will never learn it from this report.

I suggest to you, sir, that this is simply another instance of a lack of candor in the report.

As to the money, I have talked about that. As to the apology, I think we can consider that apology, sir, after the Commission apologizes for the misleading document it has foisted on the public, and after the Government of Japan apologizes for Pearl Harbor.

Now, I just have three items here which I think you would like to have in the record. One is the exact testimony of ex-Justice and Relocation Commissioner Goldberg on the Japanese relocation in 1970.[2]

One is the letter of Mr. McCloy to Senator Grassley telling him of his experiences, and that is attached to a statement on the preceeding page, by a witness before Senator Grassley who said "the Commission's Chair, Joan Bernstein, herself disqualified by expressing pro-redress comments at various luncheon meetings sponsored by redress activists months before the public hearing began."

I don't know if that is so or not, but it is in the report. And then I have the findings of fact in *Acheson* v. *Murakami* which will give you, sir, and your subcommittee, a more accurate picture of what happened at Tule Lake than you can possibly get from the Commission.

Thank you very much, sir, for your consideration.

Senator STEVENS. Thank you for your testimony.

[Mr. Weiner's prepared statement with attachments follows:]

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[2] See hearings relating to various bills to repeal the Emergency Detention Act of 1950.

FREDERICK BERNAYS WIENER
COLONEL, ARMY OF THE U.S., RETIRED
APARTMENT 103
2822 EAST OSBORN ROAD
PHOENIX, ARIZONA 85016

(602) 956-7572

6 August 1984

Re: S.2116, 98th Cong., 1st sess.

[Note: The attached three documents, previously submitted in connection with the above-numbered bill, and now bound together, constitute the "written statement" requested: (1) Letter to Sen. Roth, May 1; (2) Inclosure to Item 1, witness's qualifications; (3) Memo. of Misstatements, &c., in Relocation Commission's Report, sent to Sen. Stevens on July 3.]

SUMMARY OF PRINCIPAL POINTS

A. The Relocation Commission arrived at a predetermined result because its operations were flawed in four critical respects: (i) Terms of reference; (ii) composition of the Commission; (iii) composition of Commission's staff; and (iv) conduct of Commission's hearings.

B. The total inaccuracy of the Commission's assertion (rep. 28) that "There was no evidence that any individual American citizen was actively disloyal to his country."

C. The Commission's failure to disclose that 36% of those relocated were enemy aliens, and thus subject to internment under long-settled law.

D. The Commission's "clearly erroneous" conclusion that the relocation was the result of racism, hysteria, and failure of political leadership.

E. The Commission's unjustified minimization of the Supreme Court decisions upholding the constitutionality of the relocation program.

F. The fact that the Commission's characterization of the loyalty program as "divisive" goes far to justify the entire relocation program.

G. Consequently, enactment of S.2116 in its present form, with its "finding" that the Commission's Report was both accurate and complete, would involve a fraud on the public, and would constitute "a solemn public lie."

Respectfully submitted,

Frederick Bernays Wiener

Frederick Bernays Wiener

FREDERICK BERNAYS WIENER
COLONEL, ARMY OF THE U.S., RETIRED
APARTMENT 103
2822 EAST OSBORN ROAD
PHOENIX, ARIZONA 85016

(602) 956-7572

1 May 1984

Hon. William V. Roth, Jr.
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Re: S.2116, 98th Cong., 1st sess.

Dear Mr. Chairman:

The purpose of this letter is to alert you to the easily demonstrable fact that the above-entitled bill, now pending before your Committee, would if passed in its present form, constitute a gross and indeed flagrant fraud against the American people.

This measure proposes "To accept the findings and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians", declaring that Commission's Report to be both accurate and complete.

In actual fact, the entire process under which the Commission operated was irreparably flawed, with the consequence that its Report adds up to a deplorable exercise in mendacious revisionism.

That Report's failings will be summarized below as briefly as the importance and complexity of the matter permit. I do not quarrel in the slightest with the proposition that everyone is entitled to his own opinion. But I must emphatically declare that no one is ever entitled to his own facts. From what follows, you will be able to determine to what extent the Relocation Commission fashioned and selected its own facts, on all of which the Congress is now being asked to place its imprimatur of faith and of approval.

First. FLAWED COMMISSION PROCESS.

The Relocation Commission's work was irretrievably marred and spoiled from the outset, because its operations were slanted and biased in four separate respects.

I. The terms of reference were stacked. The Commission was directed by the Congress (Act of July 1, 1980; 94 Stat. 964) to review the impact of the wartime relocation "on American citizens and permanent resident aliens". In actual fact, of the 112,353 individuals relocated, some 40,869, or more than 36%, were aliens born in Japan; so that, when the United States declared war on Japan on the day after the Pearl Harbor attack, all of that latter group became enemy aliens.

Here in the United States, ever since the Alien Enemy Act of 1798 -- not to be confused with the Alien Act of the same year; neither Jefferson nor Madison, who wrote the Kentucky and Virginia Resolutions because of the Alien Act and the Sedition Act, ever sought repeal of the Alien Enemy Act -- ever since 1798 it has been well settled in this country, by administrative action and judicial decision, that the resident enemy alien is constitutionally subject to summary arrest, internment and deportation whenever a declared war exists between his country and ours. That rule was twice reaffirmed by the Supreme Court shortly after the end of World War II. Ludecke v. Watkins, 335 U.S. 160 (1948): Johnson v. Eisentrager, 339 U.S. 763 (1950).

As the act creating the Relocation Commission passed through the Congress, not a word was said by its sponsors, nor by anyone else, of the foregoing rule of law nor were those recent decisions cited. And the same deafening silence continued while the Relocation Commission was at work; neither the Supreme Court cases just mentioned, nor the principle justifying internment of enemy aliens that those cases confirmed, can be found anywhere in the Relocation Commission's Report.

Was it fair, was it honest, to denounce governmental action taken more than forty years ago as unjustified, without once disclosing, either to the Congress or to the public, that, as to over one third of the individuals affected, such action was clearly in accordance with settled law? I suggest that this obviously deliberate and calculated omission falls well within the proper disapproval of reliance on one's own facts.

II. The Commission itself was stacked. Of the nine members of the Commission, a majority of five were experienced former public servants whose general outlook was predictable. Indeed, once the Commission's composition was announced, it was perfectly clear to any reasonably well-informed individual what that body's conclusions would be.

More than that, one of its members had earlier expressed a settled opinion before a Committee of Congress on the very subject that he was (presumably) to consider open-mindedly and impartially as a Relocation Commissioner. Here is what Ex-Justice Arthur J. Goldberg said about the Japanese relocation in 1970: "a black page in our history"; "a horrendous thing"; "we made that mistake, and . . . a majority of the Supreme Court at the time failed to condemn the mistake." Hearings Relating to Various Bills to Repeal the Emergency Detention Actof 1950, House Committee on Internal Security, 91st Cong., 2d sess., pp. 2931, 2932, 2933.

How can the Congress -- or anyone else for that matter -- place any trust in the conclusions now reached by the Relocation Commission?

III. The Commission's staff was stacked. Of the 33 named staffers listed in the Commission's Report, 13 have Japanese surnames, and one of those 13 is married to still another staffer. Thus, nearly 40% of the staff preparing the Commission's Report were predisposed against the wartime relocation. And one of the Japanese-American staffers, in addition to working on the Report, assisted the Commission in another capacity by appearing before them as a witness.

Again, how can anyone have confidence in their work product?

IV. The conduct of the hearings was stacked. The conduct of the Commission's hearings was, to speak mildly, a disgrace to the fact-finding process. According to former Assistant Secretary of War John J. McCloy, "Any time anyone tried to say anything slightly favorable to the United States, they were greeted with hoots, hisses and feet stamping by an ethnic Japanese claque which made it a point to attend all the hearings." The foregoing is quoted, by permission, from a private letter. A more detailed account to the same effect will be found in a letter from Mr. McCloy to Senator Grassley of Iowa, July 20, 1983: see Japanese American Evacuation Redress, Hearing before Subcommittee on Administrative Practice and Procedure, Senate Judiciary Committee, 98th Cong., 1st sess., on S.1520, at pp. 483-484.

In short, four elements combined to render impossible either the conduct of an impartial inquiry or the preparation of an objective report. All was slanted, biased, prejudiced, and stacked against the ascertainment of truth: the terms of reference, the composition of the Commission, the composition of the Commission's staff, and the conduct of the Commission's hearings.

Second. FLAWED COMMISSION REPORT

In this necessarily long letter, there is of course no room for details. But every factual assertion in this communication can be fully documented, and I stand ready to supply all such documentation on request. Here there is space only for the essentials, and the only additional matter now submitted is an enclosure setting forth my qualifications for undertaking the present critique.

I. Conclusion as to Loyalty. The Commission asserted (Rep. 28) that "There was no evidence that any individual American citizen was actively disloyal to his country."

That assertion is demonstrably false.

A. Two Japanese-Americans were duly convicted of treason (Kawakita, 343 U.S. 171: D'Acquino (Tokyo Rose), 192 F.2d 338). Another, Harada, committed treasonable acts on the Hawaiian island of Nihau, as the Commission itself was well aware (Rep. 430-31 n.14).

B. Some 8,000 individuals out of those relocated voluntarily opted for repatriation to Japan.

C. Of the Japanese-Americans of military age in the relocation camps, only 6% volunteered for military service. Those in the 442d Regimental Combat Team, whose gallantry everyone admires and which cannot be denigrated for a moment, were an exception. They assuredly did not represent a majority among the Japanese-Americans.

D. Over a quarter of the Japanese-Americans in the relocation camps refused to answer the loyalty questions, which had been submitted to them in order to determine individual loyalty -- a step for which there had originally been no time.

E. Many of those who refused to declare loyalty to the United States were sent to the camp at Tule Lake. There many pro-Japanese and anti-American individuals undertook a campaign of violence to force other Japanese-Americans to execute certificates renouncing their American citizenship. There were beatings, stabbings, and at least one homicide. In all, over 5,000 citizens, including more than 70% of the Tule Lake Japanese-Americans, renounced their American citizenship. But the Commission's account of the Tule Lake reign of terror (Rep. 206-212, 247-251) falls far short of revealing the facts judicially found (Acheson v. Murakami, 176 F.2d 953) -- a decision which, characteristically, the Commission never cites.

F. Also passed by without mention by the Commission is the instance of the Kiyama family. This couple and their two small children were, all of them, born in the United States. The parents were deemed so pro-Japanese and so-anti-American that they were removed to Tule Lake, where the parents were among the leaders in the campaign of violence and fear that forced thousands to renounce American citizenship.

As late as December 1944, both Kiyamas said that their loyalty was still with Japan; and on September 27, 1945, which was after V-J Day, the husband declared that "I have always been loyal to Japan during the war and I have no intention to change my loyalty to any country at this time." Accordingly, all four were repatriated to Japan in 1945-46 in accordance with their expressed wishes.

Later, however, both Kiyamas had the gall to return to the United States to reclaim their American citizenship. But there, after some 12 years in the courts (258 F.2d 109; 268 F.2d 110; 291 F.2d 10; 368 U.S. 866), the Kiyama's claims to American citizenship were denied.

In a similar case, a United States Court of Appeals said that "The record shows the certainty that many of the 4,315 plaintiff's who voluntarily renounced [their American citizenship] were disloyal to the United States." McGrath v. Abo, 186 F.2d 766, 771; 342 U.S. 832.

No reader of the Relocation Commission's Report will ever learn of those instances.

II. Quality of the Report. Careful examination of that document -- for which, as indicated, I can supply full documentation -- reveals that it is a sloppy, indeed a slovenly, piece of work. It is full of demonstrable mistakes of law, and at nearly every critical point it relies on secondary evidence. Works critical of the relocation are freely cited, but the original references -- statutes and judicial decisions -- are rarely mentioned. Thus, on the critical question of the percentage of Japanese-Americans who held dual citizenship, where there is a vast disparity in the figures available, no text of any Japanese laws on citizenship is ever set forth.

III. Was the Relocation the Result of Racism? The Report answers this query qith a resounding affirmative, incorporating every view about the impulses and motives impelling the relocation program that has been formulated in the more than forty years since it was undertaken.

In a work consistently relied on by the Commission, ten Broek et al., Prejudice, War and the Constitution, the authors rejected two of the earlier views, one that the relocation was undertaken because of economic motives, viz., to be rid of Japanese business competition, the other that the relocation was a response to public opinion on the west coast, where all three Congressional delegations were unanimous in urging evacuation. No matter; the Commission revived both of these theories that ten Broek had rejected.

The latter concluded that the true cause was the stereotype of "the wily Oriental" — but never went on to explain how that view was consistent with the reported instances, duly noted in the book, of a Black, a Filipino, and a Chinese-American each attacking individuals of Japanese ancestry.

Here, of course, we trench on matters of opinion. But both ten Broek and the Commission resolutely refuse to accept what by a strong preponderance of the evidence is probably the only true view, namely, that, following the unprovoked attack on Pearl Harbor, which took place at the very moment that the Japanese representatives were negotiating in Washington with Secretary of State Cordell Hull, virtually all Americans became suffused with loathing and indeed hatred of everybody and everything Japanese. In World War II there was accordingly no need to whip up hatred of the enemy such as George Creel did with such success in World War I, after the United States was at war with Imperial Germany.

As I say, here we deal with what may ultimately remain a question of opinion. But to undertake to analyze the basic impetus behind the Japanese relocation without considering the contemporary effect of the day that continues to live in infamy, as the Commission did, is not only to present Hamlet without the Prince of Denmark, it is to form an opinion on the basis of very selective and hence self-assembled facts.

IV. Was the Supreme Court Wrong in 1943 and 1944? The Report insists, with considerable acrimony, that the relocation was unconstitutional, this despite the Supreme Court's contrary rulings, which sustained the relocation, in Hirabayashi (320 U.S. 81) and Korematsu (323 U.S. 214).

There may be merit in being more papist than the Pope, more royalist than a king, or more constitutionally minded than the Supreme Court of the United States. But if the Supreme Court is to be assailed for its decisions, then every critic owes it to that tribunal, as well as to his audience, to explain wherein the Court was mistaken.

As Judge Learned Hand wrote, ". . . while it is proper that people should find fault when their judges fail, it is only reasonable that they should recognize the difficulties . . . Let them be severely brought to book, when they go wrong, but by those who will take the trouble to understand them."

The Commission's Report fails that test. Nowhere therein can the reader find any discussion of the reasoning on which the Supreme Court rested its Hirabayashi or Korematsu decisions. All he can discover is the Commission's denunciation of their results.

Never once does the Commission summarize the Court's reasoning, much less set it forth. Thus, once again, the Commission's conclusion rests on its very own and carefully picked-over set of facts.

V. Hindsight versus Foresight. One of the Supreme Court's earliest cases on the reasonableness or otherwise of military action was Mitchell v. Harmony, 13 How. 115, 135, decided in 1852. There the question was whether, during the pendency of the War with Mexico, Colonel Mitchell was justified by military necessity in seizing property belonging to Harmony, a trader.

The Court declared that "the state of the facts, as they appeared to the officer at the time he acted, must govern the decision . . . And, if with such information as he had a right to rely upon, there is reasonable ground for believing that the peril is immediate and menacing, or the necessity urgent, he is justified in acting upon it; and the discovery afterwards that it was false or erroneous, will not make him a trespasser."

It is typical of the Commission's slipshod work that neither this decision nor the principle that it lays down receives mention in its Report.

But if, notwithstanding, it is permissible in passing judgment on what was done more than forty years ago to look to what was then the future, then the facts later disclosed amply justified the action taken:

We now know, from the treason cases, from the Tule Lake reign of terror, from the voluntary repatriation, and from the attitude of persons like the Kiyamas, that there were many, many Japanese-Americans who were indeed actively disloyal to the United States.

We knew that many Japanese-Americans had dual nationality. We know now that many were taught in their language schools that "You must remember that only a trick of fate has brought you so far from your homeland, but there must be no question of your loyalty. When Japan calls, you must know that it is Japanese blood that flows in your veins." (Rep. 39, quoting Senator Inouye about his own school experiences in 1939.)

This alone would explain the large percentage of Japanese-Americans who waffled when the loyalty questions forced them to stand up and be counted, and why even today they -- and the Commission -- denounce the loyalty program, which was intended to help empty the relocation camps, as "divisive".

Having now all of those facts before us, which in 1942 were only strongly suspected, is it either fair or honest, more than a generation later, to denounce the entire relocation program as unreasonable, and as based on racism rather than military necessity?

Of course there are always two widely differing views about when firm action must be taken. In the criminal law, one view is that the only justification for requiring bail is to insure the accused's presence at the trial. The other is that bail be denied in appropriate instances in order to protect the community, lest the accused burgle once again while he is temporarily free. The former view is of course responsible for the revolving-door use of bail that continues to render so many of our cities unsafe.

In the law of treason, it was argued in an old case that, inasmuch as the defendant had not been shown to have done actual harm to the king's ships, he could not be guilty of treason. But the court rejected that argument, saving, "And after this kind of reasoning they will not be guilty until they have success; and if they have success enough, it will be too late to question them." Trial of Capt. Vaughan, 13 How. St. Tr. 485, 533.

Whether the soft or hard line is preferable is, without doubt, a matter of opinion. Whether the military authorities should have left in place all persons of Japanese descent on the west coast until actual acts of espionage or sabotage on their part had occurred is also a matter of opinion. But no credible view on that point can ever be reached without all of the facts.

All too plainly, the Commission's Report does not include all of the facts relevant to passing judgment on the action taken by the President in 1942, then ratified by Congress, and later sustained by the Supreme Court.

Third. THE REPORT'S FLAWS WOULD BE CONFIRMED AND COMPOUNDED WERE S.2116 TO BECOME LAW

Flawed, inaccurate, and partial as the Commission's Report plainly is, its faults would be confirmed and compounded if S.2116 were to be passed by Congress in its present form.

1. S.2116 as drawn craftily ignores documented instances of disloyalty on the part of numerous Japanese-Americans. As has been pointed out, the Commission's assertion (Rep. 28) that "There was no evidence that any individual American citizen was actively disloyal to his country" is demonstrably untrue in the face of proof of treasonable acts by Harada, Kawakita, and Tokyo Rose.

Those who drafted S.2116 were too astute to be guilty of a similar misstatement. Accordingly, they craftily eliminated those three traitors by proposing that the Congress find (§ 1(a)) that --

> "(2) the internment of individuals of Japanese ancestry was carried out without any documented acts of espionage or sabotage, or other acts of disloyalty by any citizens or permanent resident aliens of Japanese ancestry on the west coast;"

After all, Harada's treason had its locale in Hawaii, Kawakita's and Tokyo Rose's in Japan; not one of those three was guilty of treason committed on the west coast.

Similarly adroit draftsmanship conceals from the reader that the "permanent resident aliens of Japanese ancestry" were enemy aliens in 1942, and thus could lawfully be interned without any proof of hostile action, under the Enemy Alien Act of 1798, and the later rulings to that effect in Ludecke v. Watkins and Johnson v. Eisentrager, mentioned on pages 1-2 of this letter.

The last clause of the quoted subsection, however, moves from tricky draftsmanship to palpable falsehood; there the statement that no documented acts of disloyalty other than sabotage or espionage were committed by persons of Japanese ancestry on the west coast is simply not true. All too plainly, the beatings and the stabbings and the threatened violence that forced thousands at Tule Lake to renounce their American citizenship were ongoing acts of disloyalty to the United States. A single reading of the judicial findings in Acheson v. Murakami, 176 F.2d 953 -- which, as shown above, nowhere appear in the Commission's Report -- demonstrate the utter falsity of the final clause of § 1(a)(2). Were Congress to enact that provision, it would be concocting "facts" that are simply without foundation.

II. S.2116 undertakes to pay compensation to thousands not entitled thereto on any footing. Under § 201(1) and (205(1) of S.2116, every person of Japanese ancestry who was relocated in 1942 will be entitled to be paid $20,000 as restitution for having been moved, and the Attorney General is bound to find where all such persons now live.

This would mean that the United States must make payment to the following individuals:

1. The thousands of enemy aliens who by settled rules of law were subject to internment once war was declared on the day after the Pearl Harbor attack, because by then they were enemy aliens subject to internment for that reason alone.

2. The 8,000 individuals who after the war opted for repatriation to Japan.

3. The 94% of those who were relocated and, being of military age, refused to volunteer for military service.

4. The 25% of those relocated who refused to answer the loyalty questions.

5. All those who participated in the Tule Lake campaign of violence that resulted in thousands of Japanese-Americans renouncing American citizenship.

And 6, those who, like the Kiyamas, were held to have been disloyal to the United States after full and extended judicial hearings.

Significantly, the single thread uniting all of the foregoing six obviously unworthy groups is ethnic origin: All were of Japanese ancestry.

Can it seriously be pretended that the individuals constituting those six groups have any claim whatever on the largesse of the American people forty years after the event? Yet, under S.2116 as it stands, every one of those persons now living will receive $20,000.

Accordingly, passage of S.2116 in its present form would involve this repulsive paradox, that a law denouncing "racial prejudice" (§ 1(a)(4)) actually constitutes a triumph of ethnicity over both enemy status and active disloyalty to the United States.

Finally, BY WAY OF CONCLUSION, § 1(a)(1) of S.2116 finds the Relocation Commission's Report to have been both accurate and complete. From what has only been summarized in the above rather lengthy communication, it is all too clear that this Report is both incomplete and grossly inaccurate.

It follows that, should S.2116 in its present form become law, that enactment could only be characterized, in the words of a notable and outstanding Seventeenth Century American, as "a solemn public lie".

I therefore urge, and earnestly hope, that your Committee will emphatically vote down S.2116.

Respectfully,

Frederick Bernays Wiener

Frederick Bernays Wiener

Enclosure:
Writer's Résumé and Qualifications

FBW/erl

FREDERICK BERNAYS WIENER
COLONEL, ARMY OF THE U.S., RETIRED
APARTMENT 103
2022 EAST OSBORN ROAD
PHOENIX, ARIZONA 85016

(602) 956-7572

RÉSUMÉ AND QUALIFICATIONS

BIRTH: New York, N. Y., 1 June 1906.

PARENTS: Felix Frederick Wiener, 1873-1930; Lucy Lea Bernays, 1886-1980

MARITAL STATUS: Married Doris Merchant, 29 October 1949.

FAMILY: Two sons: (1) Thomas Freud Wiener, Sc.D. (Commander, U. S. Navy, Retired), Alexandria, VA; (2) Frederick Robertson Wiener, Sergeant Major, U. S. Army, A.P.O. New York 09145. Two grandchildren.

EDUCATION: Ph.B., Brown Univ., 1927; LL.B., Harvard Univ., 1930.

OCCUPATION: Retired. ("Author-Consultant" on Sched. C of Form 1040.)

LEGAL CAREER: Private practice, Providence, R.I., 1930-1933; Government service in Washington, D. C., with Public Works Administration (Attorney Examiner; Executive Assistant to Deputy Administrator), 1933-1934; with Interior Department (Assistant Solicitor & Member, Board of Appeals), 1934-1937; with Department of Justice (Special Attorney; Special Assistant to Attorney General), 1937-1941; [military service, 1941-1945; see below]; Department of Justice (Assistant to the Solicitor General), 1945-1948; private practice, Washington, D. C., 1948-1973, practicing alone after 1 August 1950; retired from practice, 1 July 1973; occasional consultations since then.

Thirty-eight arguments before U. S. Supreme Court, representing both Government and private clients.

BAR ADMISSIONS: Rhode Island, 1931; U. S. Supreme Court, 1934; Virgin Islands, 1934; District of Columbia, 1938; nine of the existing U. S. Courts of Appeals (including the U. S. Court of Appeals for the Federal Circuit through prior admission to bars of Court of Claims and Court of Customs and Patent Appeals).

MILITARY CAREER: Commissioned Captain, Judge Advocate General's Department Reserve, U. S. Army, 1936; short tours of active duty, 1939 and 1940; extended active duty, March 1941 to December 1945, in grades from captain to colonel (before terminal leave), with service in three overseas theatres; recommissioned Colonel, JAGD, USAR, December 1945; annual tours of active duty, 1950-1960; retired for age, June 1961; Colonel, Army of the U. S., Retired, 1 July 1966.

Incl.

Frederick Bernays Wiener---Résumé and Qualifications, page 2

TEACHING & LECTURING: Lecturer and Professorial Lecturer in Law, The George Washington University, 1951-1956; lecturer before bar groups and law schools in England, 31 states of the Union, the District of Columbia, and the Virgin Islands.

SIGNIFICANT APPOINTMENTS: Reporter to the Committee of the U. S. Supreme Court on the Amendment of its Rules, 1952-1954 (services acknowledged by the Court, 346 U. S. 945-946); Consultant-Adviser, U. S. Army War College, 1954; Special Consultant to the Judge Advocate General of the Army, 1968-1969.

HONORS: Guggenheim Fellowship, 1962; Brown Univ. Bicentennial Medallion, 1965; Hon. LL.D., Cleveland-Marshall Law School, 1969; U. S. Army's Outstanding Civilian Service Medal, 1974.

ENCOMIA: Hon. William O. Douglas of the Supreme Court in 35 U. of Chicago Law Review 568 (1968); Editors of *Military Law Review, Bicentennial Issue* (1975), p. 169.

PRIOR CONGRESSIONAL TESTIMONY:

1. Before both House and Senate Committees on Armed Services on the bills that became the Uniform Code of Military Justice (now 10 U.S.C. §§801-940), 1949.
2. Before Senate Judiciary Committee on *Constitutional Rights of Military Personnel*, March 1962.
3. Before Joint Subcommittee of Senate Judiciary and Armed Services Committees on *Military Justice*, March 1966.
4. Before House Committee on Internal Security on *Obstruction of Armed Forces*, September 1969.
5. Before the House Committee on Internal Security on *Bills to Repeal the Emergency Detention Act of 1950*, April 1970.
6. Statement on *Unionization of the Armed Forces*, submitted at request of Senate Judiciary Committee, July 1977.

ORGANIZATIONAL OFFICES: Member of Council (1961-   ) and Vice-President for the U.S.A. (1978-1984) of the Selden Society (founded in England in 1887 "to encourage the study and advance the knowledge of the history of English law"); Fellow (1958-1972) and Director (1970-1972), International Academy of Trial Lawyers; Past Commander-General, Military Order of Foreign Wars of the U. S.; *Historiador* (Historian), Military Order of the Carabao (1958-1973).

PUBLICATIONS: Wide publication on legal, historical, and military subjects for over half a century, from *The Rhode Island*

Merchants and the Sugar Act, 3 New Eng. Q. 464 (1930), through *German Sugar's Sticky Fingers*, 16 Hawaiian J. of History 15 (1982).

Listing below, in chronological order, is limited to the area of constitutional law and practice, particularly in their military applications.

Books:

A PRACTICAL MANUAL OF MARTIAL LAW (1940), (quoted with approval by the Supreme Court in *Duncan* v. *Kahanamoku*, 327 U. S. 304, 321 n.18 [1946]).

MILITARY JUSTICE FOR THE FIELD SOLDIER (1943; rev. ed. 1944).

THE UNIFORM CODE OF MILITARY JUSTICE (1950).

EFFECTIVE APPELLATE ADVOCACY (1950).

BRIEFING AND ARGUING FEDERAL APPEALS (1961; with Supplement, 1967).

CIVILIANS UNDER MILITARY JUSTICE (1967), (cited in both opinions in *O'Callahan* v. *Parker*, 395 U. S. 258, 268 n.8, 269 nn.10 & 11, 277 and n.1 [1969]).

Pamphlets:

The New Articles of War (1948).

Uses and Abuses of Legal History: A Practitioner's View (Selden Society Lecture, London 1962).

Articles & Reviews:

The Militia Clause of the Constitution, 54 Harv. L. 181 (1940), later reprinted, but without either attribution or quotation marks, in H. R. Rep. 1066, 82d Cong., 1st sess. (1949).

Review of Grodzins, *Americans Betrayed* (1949), in 63 Harv. L. Rev. 459 (1950).

Freedom for the Thought That We Hate: Is It a Principle of the Constitution?, 37 A.B.A.J.177 (1951).

The Teaching of Military Law in a University Law School, 5 J. Legal Educ. 475 (1953).

The Supreme Court's New Rules, 68 Harv. L. Rev. 20 (1954)

Review of ten Broek *et al.*, *Prejudice, War, and the Constitution*, in 43 Georgetown L. J. 710 (1955).

Courts-Martial and the Bill of Rights: The Original Practice, 72 Harv. L. Rev. 1 and 266 (1958).

PUBLICATIONS:
Articles & Reviews:
(continued)

Helping to Cool the Long Hot Summers, 53 A. B. A. J. 713 (1967).

Are the General Military Articles Unconstitutionally Vague?, 54 A. B. A. J. 357 (1968) (views therein expressed were followed by the Supreme Court in *Parker* v. *Levy*, 417 U. S. 733 [1974]).

Martial Law Today, 55 A. B. A. J. 723 (1969)

A Lawyer Views the Gathering Storm, 115 Cong. Rec. 20274 (1969).

American Law for the Coffee Table---An Impossible Dream, [1975] Sup. Ct. Rev. 423.

Opening an American Base in a British Colony before Pearl Harbor, History, Numbers & War, vol. 1, nos. 1 and 2 (1977).

Advocacy at Military Law: The Lawyer's Reason and the Soldier's Faith, 80 Military L. Rev. 1 (1978).

FREDERICK BERNAYS WIENER
COLONEL, ARMY OF THE U.S., RETIRED
APARTMENT 103
2822 EAST OSBORN ROAD
PHOENIX, ARIZONA 85016

(602) 956-7572

MISSTATEMENTS, OMISSIONS, AND CLEARLY ERRONEOUS CONCLUSIONS PERMEATING THE RELOCATION COMMISSION'S REPORT

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III. RELOCATION COMMISSION'S CLEARLY ERRONEOUS CONCLUSIONS---4

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  - 1. Asserted race prejudice---5
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FREDERICK BERNAYS WIENER
COLONEL, ARMY OF THE U.S., RETIRED
APARTMENT 103
2822 EAST OSBORN ROAD
PHOENIX, ARIZONA 85016

(602) 956-7572

MISSTATEMENTS, OMISSIONS, AND CLEARLY ERRONEOUS CONCLUSIONS PERMEATING THE RELOCATION COMMISSION'S REPORT

I. MAJOR MISSTATEMENT: ASSERTED 100% LOYALTY OF ALL JAPANESE-AMERICANS

Assertion (Rep. 28): "There was no evidence that any individual American citizen was actively disloyal to his country."

The facts:

a. Two Japanese-Americans were duly convicted of treason, Kawakita (343 U.S. 171), and D'Acquino [Tokyo Rose] (192 F.2d 338, cert. den., 343 U.S. 935).

b. Another Nisei, Harada, committed treason against the United States within the constitutional definition (Art. III, § 3) of "adhering to their Enemies, giving them Aid and Comfort." A Japanese warplane, damaged during the Pearl Harbor attack, landed on the small Hawaiian island of Niihau. Local Hawaiians took away the pilot's pistol and his papers, but Harada supplied him with other arms belonging to Harada's employer, after which, for six days, the pilot and Harada terrorized the entire island. Then a Hawaiian who had been shot by the pilot managed to kill him, after which Harada committed suicide. S. Conn, *Guarding the United States and Its Outposts*, p. 194 [hereafter "Conn, *Guarding*"]; W. Lord, *Day of Infamy*, pp. 195-200; J.J. Stephan, *Hawaii Under the Rising Sun*, p. 168.

The Commission relegates this incident to a footnote (Rep. 430-431, n.14), does not recognize that Harada's acts constituted treason, and therefore fails to recognize that, flatly contrary to its own blanket assertion, Harada, like Kawakita and Tokyo Rose, was indeed an "individual American citizen . . . actively disloyal to his country."

c. Some 8000 persons of Japanese descent were repatriated to Japan after the war at their own request (Rep. 252), including 248 formerly resident in Hawaii (Rep. 277). But the Commission did not trouble to break down these figures into first-generation Issei, born in Japan and hence alien enemies, and second-generation Nisei, born in the United States, many of whom had dual citizenship.

d. Only 6% of the Japanese-Americans of military age who were in the relocation camps volunteered for military service. This figure comes from ten Broek *et al.*, *Prejudice, War, and the Constitution*, (p. 168) [hereafter simply "ten Broek"], a work frequently cited in the Commission's Report. But the Commission's own figures are far fuzzier (Rep. 195).

e. Over a quarter of the Japanese-Americans refused to answer the loyalty questions (ten Broek, p. 168; cf. Rep. 195) — are you willing to serve in the American military forces, do you swear unqualified allegiance to the United States — questions submitted in order to separate the loyal from the disloyal, requiring all Japanese-Americans to stand up and be counted, and thus to speed release from the relocation camps of those who professed loyalty.

The Commission deems the loyalty program "divisive" (Rep. 186), stigmatizes it as the evacuees' "bitterest experience in the camps" (Rep. 197) — and never once recognizes that these characterizations emphasize the emotional schizophrenia, and hence doubtful American loyalty, of so many Japanese-Americans. Yet questioned loyalty was precisely the factor that led to the national decision, reached after Pearl Harbor but before the Battle of Midway, to evacuate all persons of Japanese ancestry from the militarily sensitive West Coast, the site of so many airplane factories.

f. Virtually all of the Japanese-Americans who had refused to give affirmative answers to the loyalty questions were then moved to the relocation camp at Tule Lake in Northern California, where many enemy aliens had already been placed (Rep. 208, 234, 247-251).

The result was a veritable reign of terror directed at all Japanese-Americans who were initially unwilling to renounce their American citizenship; there were assaults, beatings, stabbings, and one actual homicide. As the court said in Acheson v. Murakami, 176 F.2d 953, 963, "A nucleus of genuinely pro-Japanese leaders whipped the people up to hysterical frenzy of Japanese patriotism" (Fdg. 29). The result was that, out of 7000 Japanese-Americans over 18, some 5000 applied for renunciation of their American citizenship. In consequence, those renunciations were held to be presumptively invalid because of the duress and coercion exercised by the pro-Japanese group, with the burden of proof on the Government to establish their voluntariness (Nishikawa v. Dulles, 356 U.S. 129; Yamamoto v. Dulles, 268 F.2d 111). But in later litigation, a court of appeals found that "The record shows the certainty that many of the 4,315 plaintiffs who voluntarily renounced were disloyal to the United States." McGrath v. Abo, 186 F.2d 776, 771, cert. den., 342 U.S. 832. Significantly, the Commission never cites either the Murakami or the Abo decisions.

g. Among the leaders of the militant pro-Japanese groups at Tule Lake, which terrorized that camp and forced thousands of Japanese-Americans to renounce American citizenship, were Norio and Miyoko Kiyama, both California-born. The births of their two children were registered with the Japanese consul. Both parents renounced American citizenship, after which they were transferred to an alien enemy camp in New Mexico.

There, on December 7, 1944, both Kiyamas said that their loyalty was still with Japan; and on September 22, 1945, after V-J Day, Norio declared that "I have always been loyal to Japan during the war, and I have no intention to change my loyalty to any country at this time." Accordingly, all four Kiyamas were repatriated to Japan in 1945-46 in accordance with the parents' expressed wishes.

Later, however, the adult Kiyamas returned to the United States, and had the gall to reclaim American citizenship. In the end, after 12 years in the courts — they were not denied due process, they had the full benefit of undue process — the Kiyamas' claims were denied (258 F.2d 109; 268 F.2d 110; 291 F.2d 10, cert. den., 368 U.S. 866).

Nowhere in the more than 400 pages of its Report does the Commission ever mention or even cite any phase of the extensive Kiyama litigation. Accordingly, it never urges that the adult Kiyamas' participation in the Tule Lake reign of terror that forced some 5000 Nisei to renounce American citizenship did not add up to active disloyalty to the United States.

It follows, from this circumstance as well as from the other facts enumerated under the present heading, that the Commission's assertion (Rep. 28) that "There was no evidence that any individual American citizen was actively disloyal to his country", is palpably and demonstrably false.

II. MAJOR OMISSION: FAILURE EVER TO MENTION THAT 36% OF THOSE RELOCATED WHERE ENEMY ALIENS, WHO IN TIME OF WAR WERE SUBJECT TO INTERNMENT UNDER LONG-SETTLED LAW

The 1940 census reflects 112,353 persons of Japanese ancestry living in the three Pacific states, of whom 40,869 or 36.37%, were aliens born in Japan. The latter group was ineligible for naturalization, except for the small number who had served in the American armed forces during the first World War. Act of June 24, 1935, c. 290, 49 Stat. 397. (The Commission, with characteristic inaccuracy, asserts that not even the few such veterans were allowed to become naturalized. Rep. 29, 363 n.4.)

When the United States declared war on Japan on the day following the Pearl Harbor attack, all unnaturalized Japanese became enemy aliens, and as such were subject to arrest, internment, and deportation under the Enemy Alien Act, first enacted in 1798, and on the books ever since. Act of July 6, 1798, c. 66, 1 Stat. 577; R.S. §4067; 50 U.S. Code §21.

That enactment is not to be confused with the Alien Act of the same year (Act of June 25, 1798, c. 58, 1 Stat. 576), which, together with the Sedition Act (Act of July 14, 1798, c. 74, 1 Stat. 596), evoked the Kentucky Resolutions authored by Jefferson and the Virginia Resolutions drafted by Madison. Both of the Acts last mentioned expired under their own terms before Jefferson succeeded to the Presidency on March 4, 1801 (Alien Act on June 25, 1800, see §6, 1 Stat. at 576; Sedition Act on March 3, 1801, see §4, 1 Stat. at 597).

But neither Jefferson nor Madison ever sought repeal of the Enemy Alien Act, as was emphasized by the Supreme Court when it sustained that enactment shortly after the close of hostilities in World War II. Ludecke v. Watkins, 335 U.S. 160, 171 n.18 (1948).

Under the Enemy Alien Act, now 50 U.S. Code §21, the only questions open for judicial consideration are whether a state of war exists, and whether the individual seeking relief is an enemy alien. Johnson v. Eisentrager, 339 U.S. 763, 775. Operation of the Enemy Alien Act ceases only when Congress terminates the state of war. Jaegeler v. Carusi, 342 U.S. 347.

Failure ever to discuss the effect of the Enemy Alien Act constitutes the great cover-up, both of the legislation creating the Relocation Commission, and of that body's Report.

The Act of July 31, 1980 (94 Stat. 964) directed the Commission to review the impact of the relocation "on American citizens and permanent resident aliens" — thus erasing all existing disabilities of enemy alien status on the part of over a third of those relocated. Not a word in the legislative history of the act creating the Commission ever discloses that effect.

Nor does a single word in the Commission's long Report ever mention this circumstance. That document appears to avoid the term "enemy alien" as though it were a four-letter obscenity, substituting euphenisms such as "aliens of enemy nationality" (Rep. 61, 183), "Japanese American aliens" (Rep. 277), and "resident aliens of Japanese ancestry" (Rep. 19).

In its recommendations the Commission said (Rep.II, 6) that "The wartime events produced an unjust result that visited great suffering . . . upon resident aliens whom the Constitution also protects." As applied to aliens generally, that last statement is unexceptionable. But under the Enemy Alien Act's plain terms, confirmed in Ludecke v. Watkins, 335 U.S. 160, and in Johnson v. Eisentrager, 339 U.S. 763, 775 — neither of which decisions the Commissions so much as cites — the Constitution affords no protection whatever to enemy aliens who reside in the United States during a time of declared war.

Perhaps the Commission was seeking to amend the naturalization laws retroactively, treating Japanese nationals as the American citizens that, except for those with World War I military service, they could not become until 1952 (Sec. 311 of the Imigration and Nationality Act of June 27, 1952, c. 477, 66 Stat. 163, 239; 8 U.S. Code §1422). But the Commission never openly admits that this anachronistic and retroactive result was ever deliberately intended.

Only two conclusions are possible. One is that the Commission and its staff were inexcusably ignorant of the status of enemy aliens. The other possibility is that the Report's failure to disclose the disabilities of enemy alien status, which attached to over a third of those relocated, constituted downright dishonesty.

The question of which conclusion is correct is a matter that needs to be resolved by those now considering §1(a)(1) of S.2116, which finds the Relocation Commission's Report to be both complete and accurate.

Assistance in making that determination may possibly be found in two easily overlooked passages in the Report itself.

(i) At p. 54, there is mention of a presidential Proclamation issued "pursuant to the Enemy Alien Act of 1798, as amended, which gives the government the authority to detain enemy aliens and confiscate enemy property wherever found."

(ii) At p. 285, it is said that "the government had unquestioned authority to detain aliens of enemy nationality in time of war."

III. THE RELOCATION COMMISSION'S CLEARLY ERRONEOUS CONCLUSIONS

A. Allegation that the relocation was the result of racism, hysteria, and failure of leadership

The Commission asserts (Rep. 18) that the decision to relocate rested on "race prejudice, war hysteria and a failure of political leadership". The identical assertion is raised to the level of a Congressional finding in §1(a)(4) of S.2116.

Actually, not a single one of these characterizations can be sustained, essentially because the Commission rigorously excluded from consideration and discussion the overwhelmingly determinative factor - Japan's sneak attack on Pearl Harbor.

For it was this utterly unprovoked act, which took place at the very moment that the Japanese representatives were negotiating with Secretary of State Hull in Washington, that caused virtually all Americans to become suffused with loathing and hatred of everyone and everything Japanese.

By reason of never giving any weight whatever to the contemporary effect of a day that still lives in infamy, as the Commission did, it undertook to present Hamlet without the Prince of Denmark. Thus the Commission formed its opinion on the basis of a very selective collection of facts. Otherwise stated, it relied on its own facts — an impermissible approach.

All these asserted causes will be considered in order.

1. Asserted race prejudice. This alleged cause confuses race with nationality.

Americans throughout the war were not hostile to Orientals generally, i.e., to members of the yellow race. To the contrary, the United States was allied with China in World War II, and in the course of that conflict repealed the sixty-year old Chinese Exclusion Act, and admitted Chinese individuals to the naturalization from which they had previously been excluded. Act of December 17, 1943, c. 344, 57 Stat. 600. Japanese, however, did not become eligible for naturalization until nine years later. Sec. 311 of the Act of June 27, 1952, 66 Stat. at 239, supra.

In ten Broek et al., Prejudice, War, and the Constitution, a work consistently relied upon and cited by the Commission, the authors rejected two of the earlier views regarding the causes underlying the relocation. One was that it had an economic motive, to be rid of Japanese competition, even though individuals of Japanese extraction represented only 1.6% of California's population. The other view rejected in this work was that relocation was a response to public opinion on the West Coast, where all three Congressional delegations were unanimous in urging relocation. No matter; the Commission revived both of the theories that ten Broek and his colleagues had rejected.

The latter concluded that the true cause was the stereotype of "the wily Oriental" — but never went on to explain how that new view was consistent with the documented instances, duly noted in their book (pp. 95-96), of a black, a Filipino, and a Chinese-American, each attacking individuals of Japanese ancestry. The Commission's Report simply omits mention of these events.

Moreover, none of the three theories just mentioned can possibly explain the hostility of numerous other governors, of non-West Coast states (Rep. 10), or of Mayor LaGuardia of New York City as late as April 1944 (Rep. 203), to receiving or resettling persons of Japanese ancestry in their own communities. Certainly the Commission's assertion (Rep. 36) that "Anti-Japanese agitation continued to be part of the public life of the West Coast", will not and can not explain the strong anti-Japanese feeling that existed in the other 45 states then comprising the Union.

Here again, the Commission deliberately shuts its eyes to the fact that the anti-Japanese sentiment so universal in the United States after the Pearl Harbor attack did not reflect a West Coast pre-judgment, it was rather the predictable consequence of a nationwide after-judgment. It was not prejudice, it was a postjudice.

2. Reliance on different policy in respect of ethnic Japanese in Hawaii

The Commission stated (Rep. 282) that "the experience in Hawaii rebukes events on the West Coast".

That conclusion disregards the vital military factors of shipping, logistics, and community outlook; these were differences of substance that underlay the differing military judgments in the two areas. That conclusion also glosses over a significant factor that the Commission recites but fails to evaluate, namely (Rep. 280), that the "Hawaiians felt that the West Coast Nisei lacked warmth", and "were not candid in their personal relationships".

It was President Roosevelt, primarily at the urging of Secretary of the Navy Knox, who directed on December 19, 1941, that all of the 118,000 Japanese on the island of Oahu (20,000 enemy aliens and 98,000 citizens) be evacuated to one of the other Hawaiian islands (Conn, Guarding, pp. 206-214). Whereas in California the ethnic Japanese constituted less than 2% of the population, in Hawaii they numbered over 35%. Also, in Hawaii, with its very mixed population, there was a pre-war climate of racial tolerance; this is based on personal observation, both in Hawaii and in San Francisco, in the spring of 1938.

By 1941-42, also, the position in Hawaii presented practical considerations very different from those obtaining on the West Coast. Persons of Japanese descent constituted a very substantial segment of Hawaii's labor force. To have removed them from Oahu would have involved shipping them away, plus shipping labor replacements from the United States, plus constructing housing after first shipping construction materials from the United States, plus providing guards for the relocation camps. Consequently, the Army resorted to foot-dragging that ultimately succeeded, despite continual prodding from Washington. As was ultimately announced, "The shipping situation and the labor shortage make it a matter of military necessity to keep most of the people of Japanese blood on the island." Ultimately, therefore, only 1875 persons of Japanese ancestry were removed from Hawaii (Rep. 277; Conn. p. 214).

3. Reliance on different policy in respect of individuals of German and Italian descent

The Commission asserts (Rep. 284) that "The wartime treatment of alien Germans and Italians, as well as the German American experience of the First World War, lends new perspective to the exclusion and detention of the ethnic Japanese." Indeed, the Commission devoted an entire chapter of its Report (c. 12, pp. 283-293) to finding racist prejudice in the circumstance that there never was any suggestion to relocate American citizens of German or Italian descent.

The Italians can be disposed of first. Only 264 Italians were interned, as against 1393 Germans and 2192 Japanese (Rep. 284). In the fall of 1942, the President dismissed the Italians as "a lot of opera singers" (Rep. 287), and at that time the Attorney General declared that Italian enemy aliens would no longer be considered or treated as such.

Insofar as the President's denigration involved an evaluation of martial prowess, no one familiar with the military history of Mussolini's legions in the Second War War could possibly quarrel with F.D.R.'s estimate.

And, without question, apart from the very few ardent Italian fascists who were interned, no one would similarly question the lack of military danger to America presented by the ethnic Italians regardless of nationality. They were therefore left undisturbed, not because of anti-Japanese bias on the part of those responsible for the differentiation in treatment, but because of a realistic evaluation of their thoroughgoing unlikelihood of harming the defense of the United States. These facts are recognized, if somewhat grudgingly, by the Commission (Rep. 287).

The Germans were similarly not comparable with the Japanese. So far as Germans and Americans of German ancestry were concerned, their time of trial was the period of the First World War, after enthusiasm had been whipped up for a conflict that, initially at least, left many Americans less than fully convinced of the validity of the casus belli.

It was then that the lowly hamburger was transformed into a salisbury steak, that sauerkraut became liberty cabbage, that Wagner and Beethoven could no longer be performed or listened to, and that teaching of the German language was banned in public schools.

Facing - and enduring - irrationalities of that nature, the German-Americans made their choice: They determined that they would no longer be hyphenates, they would be wholly and completely American. And, with perhaps minimal exceptions, that is what they were when Hitler's Germany declared war on the United States a few days after Pearl Harbor.

Significantly, the German-Americans who were prosecuted for treason during the Second World War had, all of them, first come to the United States after 1918: Stephan (133 F.2d 87); Cramer (325 U.S. 1); Haupt (330 U.S. 631). The same was true of the son of Herbert Haupt, an American citizen who suffered death, not as a traitor, but as one of the saboteurs (Ex parte Quirin, 317 U.S. 1, 20, 37-38).

Furthermore, many of the German enemy aliens in the United States in 1941 were refugees who had fled the Third Reich, and many of those had not then been residents long enough to qualify for citizenship. Additionally, many Germans and German-Americans were both emotionally and vocally anti-Nazi, while there was certainly no identifiable group of Japanese-Americans who denounced the militaristic groups that then controlled the government of Japan.

As for the Bundists, they were under constant F.B.I. surveillance, and, when it was established that any of them had deemed their American citizenship "a good thing to hide behind", denaturalization followed, even in the face of the Supreme Court's rigid requirements for proof in such cases (e.g., Knauer, 328 U.S. 654).

Summing up, therefore, the difference in treatment between Japanese enemy aliens and Americans of Japanese ancestry on the West Coast, as distinguished from the course followed in respect of the same groups in Hawaii, and as also distinguished from the steps taken (or rather not taken) regarding Germans, German-Americans, Italians, and Italian-Americans, reflected, not racist anti-Japanese bias directed against the groups first named, but rather reasonable and reasoned determinations based on the possible dangers that the other groups might pose to American interests in a global war that was going badly and indeed dangerously for the United States when the basic West Coast relocation decision was made.

Here again, the Commission's conclusion that the failure of the Government to relocate persons of German ancestry while evacuating those with Japanese blood was a distinction purely racist, is a consequence of that body's inability to distinguish between race and nationality, and of its obvious disregard of the national impact of the Pearl Harbor attack.

4. Asserted war hysteria

As has been indicated, the Commission found that one of the underlying causes of the relocation program was "war hysteria" (Rep. 18).

Observers more objective than either the Commission or its staff are constrained to respond to that conclusion by putting the following questions:

(a) Was it hysterical to question the completely pro-American loyalty of persons of Japanese descent, more than a third of whom were enemy aliens?

(b) Was it hysterical to question the completely pro-American loyalty of persons of Japanese descent born in the United States, an undetermined number of whom, by the law of their parents' country, had dual Japanese citizenship?

(c) Was it hysterical to question the completely pro-American loyalty of persons of Japanese descent born in the United States, many of whom had been taught in Japanese language schools that "You must remember that only a trick of fate has brought you so far from your homeland, but there must be no question of your loyalty. When Japan calls, you must know that it is Japanese blood that flows in your veins"? (Rep. 39, quoting [Rep. 366 n.76] from Senator Inouye's autobiography.)

(d) Was it hysterical to question the completely pro-American loyalty of Japanese descent born in the United States when only 6% of those of military age in the relocation camps indicated their willingness to render military service to the United States?

(e) Was it hysterical to question the completely pro-American loyalty of persons of Japanese descent born in the United States when over a quarter of such persons in the relocation camps refused to answer the loyalty questions in the affirmative and, even 40 years later, insisted that those questions were divisive?

(f) Was it hysterical to question the completely pro-American loyalty of persons of Japanese descent born in the United States when a numerous group of such individuals were so far pro-Japanese and anit-American that, at Tule Lake in 1944, they undertook a reign of terror that forced thousands of other persons of Japanese descent born in the United States, faced with such duress, to renounce American citizenship?

(g) Was it hysterical to question the completely pro-American loyalty of persons of Japanese descent born in the United States when, long after the war, American appellate courts in citizenship litigation, found that many had indeed been disloyal to the United States?

(h) Was it hysterical to question the completely pro-American loyalty of persons of Japanese descent born in the United States when two such persons were duly convicted of treason, and a third committed plainly treasonable acts not prosecuted only because he killed himself?

The Commission does not face up to questions such as these, largely because of its palpably false conclusion (Rep. 28) that "There was no evidence that any individual American citizen was actively disloyal to his country."

Needless to say, after ignoring the many documented acts of disloyalty enumerated in Part I above, it is easier for the Commission to assert that the bases for the relocation program were "race prejudice" and "war hysteria".

Of course everyone is entitled to his own opinion. But, to quote a co-sponsor of S.2116, "No one is entitled to his own facts." Yet the Commission's conclusions as to the underlying causes of the relocation are, all too plainly, based on its own collection of painstakingly selected facts.

5. Asserted "failure of political leadership"

"Failure of political leadership", charged by the Commission as one of the "historical causes" underlying the relocation decision (Rep. 18), is of course a thoroughly ambiguous allegation. It could mean that the basic decision to proceed with the relocation process was permitted to drift to a conclusion without guidance from the President, the top of the political pyramid. It is also susceptible of the meaning that a group of individuals without the slightest contemporaneous responsibility for the safety of the nation or for the future of the civilized world, such as President Roosevelt bore early in 1942 when the war was going very badly indeed for the countries then allied as the United Nations, are now firmly of opinion that they would, more than 40 years after the event, have decided the relocation issue differently.

True, there were differences of opinion in American councils immediately below the presidential level. Significantly, Attorney General Biddle, who strongly opposed evacuation of enemy aliens, ceased to object when it was later proposed to evacuate everyone of Japanese descent, regardless of citizenship (Rep. 73, 74, 78-79, 83-86). But once Biddle withdrew his objections, there was no failure of political leadership; quite to the contrary, there was firm direction from the top. Indeed, as a knowledgeable Army historian has written (Stetson Conn, "The Decision to Evacuate the Japanese from the Pacific Coast", in Command Decisions [G.P.O. 1960], p. 125 at p. 149), "the only responsible commander who backed the War Department's plan as a measure required by military necessity was the President himself, as Commander in Chief".

Ultimately, therefore, the Commission's basic conclusion that the decision to relocate rested on "race prejudice, war hysteria, and a failure of political leadership" necessarily involves an ad hominem attack on President Franklin D. Roosevelt. But no one with even the slightest familiarity with the career of the nation's 32nd President, before and during his more than 12 years in the White House, could possibly accuse that individual of either racism, hysteria, or failure of leadership.

Otherwise stated, the Commission's discussion of the factors underlying the decision to relocate starts by resolutely ignoring the unprovoked Japanese attack on Pearl Harbor as the truly operative fact of that decision, and then finishes by charging President Roosevelt with racism.

That is one of the many reasons why the characterization of the Relocation Commission's Report as "mendacious revisionism", see my letter of 1 May 1984 to Chairman Roth of the Senate Committee on Government Affairs, is not an epithet. It was simply a diagnosis.

B. Minimizing the Supreme Court decisions that upheld the constitutionality of the relocation program

Various phases of the relocation program were sustained by the Supreme Court in 1943 and 1944. In Hirabayashi (320 U.S. 81) and Yasui (320 U.S. 115), the curfew orders were sustained against two Americans of Japanese ancestry; in Korematsu (323 U.S. 214), an exclusion order was held constitutional against another such individual. In Ex parte Endo (323 U.S. 283, 297), the Court held that, "whatever power the War Relocation Authority may have to detain other classes of citizens, it has no authority to subject citizens who are concededly loyal to its leave procedure". The underscoring has been added to correct a mistake, in the debates on the act creating the Commission, that omitted the qualification thus emphasized (126 Cong. Rec. 12058).

How did the Commission deal with the first three adverse decisions? It simply screamed at them. It offered distinctions, asserted overrulings, and submitted a posthumous retraction in its effort (Rep. 238, 239) to demonstrate that "Today the decision in Korematsu lies overruled in the court of history", and that "Korematsu is a curiosity, not a precedent on questions of racial discrimination."

As will be seen, those animadversions are easily confuted. But what strikes any reader of the Commission's Report most forcibly is that this document never sets forth any of the pertinent and controlling excerpts from these so highly disesteemed decisions; all it offers are hostile characterizations. Nothing in the Report ever enables any disinterested outsider to learn the true basis for these decisions.

Instead, the Commission sets forth three principal contentions

First, the Commission relies on a law review article contending that the cases were wrongly decided because the government's proof was inadequate (Rep. 237-238). But the Commission never summarizes, quotes, or even cites Justice Douglas's concurring opinion in the Hirabayashi case, which not only dealt fully with the matter of proof, but which also, in the portions underscored below, answered the core of the Commission's present arguments. A short passage from that concurrence had therefore better be quoted (320 U.S. at 106-107):

> Nor are we warranted where national survival is at stake in insisting that those orders should not have been applied to anyone without some evidence of his disloyalty. The orders as applied to the petitioner are not to be tested by the substantial evidence rule. Peacetime procedures do not necessarily fit wartime needs. It is said that if citizens of Japanese ancestry were generally disloyal, treatment on a group basis might be justified. But there is no difference in power when the number of those who are finally shown to be disloyal or suspect is reduced to a small per cent. The sorting process might indeed be as time-consuming whether those who were disloyal or suspect constituted nine or ninety-nine per cent. And the pinch of the order on the loyal citizens would be as great in any case. But where the peril is great and the time is short, temporary treatment on a group basis may be the only practicable expedient whatever the ultimate percentage of those who are detained for cause. Nor should the military be required to wait until espionage or sabotage becomes effective before it moves.

Second, while ignoring all of the matter just quoted, the Commission prefers to rely on a supposed retraction in Justice Douglas's posthumous memoirs (Rep. 423 n. 112):

> "Locking up the evacuees after they had been removed had no military justification. I wrote a concurring opinion, which I never published, agreeing to the evacuation but not to evacuation via the concentration camps. My Brethren, especially Black and Frankfurter, urged me strongly not to publish . . . I have always regretted that I bowed to my elders and withdrew my opinion . . . The evacuation case . . . was ever on my conscience. Murphy and Rutledge, dissenting, had been right.

Posthumous memoirs are of course inherently untrustworthy, as they never indicate what was written by the alleged author and what by those who edited the manuscript after his death; and Justice Douglas's memoirs are additionally questionable in that his volume on The Court Years was written after he had suffered a disabling stroke.

But there is no need to rely on the foregoing general factors to establish the invalidity of Justice Douglas's asserted abjuration in respect of Korematsu; its very text abounds with demonstrable errors. One, he had obviously forgotten that he did write, and publish, the concurring opinion in Hirabayashi, that is quoted above, and that the Commission is at such pains to ignore. Two, by late 1944, when Korematsu was argued and decided, the influence of Justice Frankfurter on Justice Douglas was, if not precisely nil, then very nearly so. Three, Justice Jackson also dissented in Korematsu, another matter forgotten by Justice Douglas.

In short, the frailty of the Commission's arguments that attack the Supreme Court's relocation decisions is sharply underscored by the invocation of authority as shaky as Justice Douglas's asserted retraction.

It should also be noted that the Commission overlooked what Justice Douglas said in *DeFunis* v. *Odegaard*, 416 U. S. 312, 320. There, after citing the *Hirabayashi* and *Korematsu* cases, he said (416 U. S. at 339 n.20):

> 20/ Those cases involved an exercise of the war power, a great leveler of other rights. Our Navy was sunk at Pearl Harbor and no one knew where the Japanese fleet was. We were advised on oral argument that if the Japanese landed troops on our west coast nothing could stop them west of the Rockies. The military judgment was that, to aid in the prospective defense of the west coast, the enclaves of Americans of Japanese ancestry should be moved inland, lest the invaders by donning civilian clothes would wreak even more serious havoc on our western ports. The decisions were extreme and went to the verge of wartime power; and they have been severely criticized. It is, however, easy in retrospect to denounce what was done, as there actually was no attempted Japanese invasion of our country. While our Joint Chiefs of Staff were worrying about Japanese soldiers landing on the west coast, they actually were landing in Burma and at Kota Bharu in Malaya. But those making plans for the defense of the Nation had no such knowledge and were planning for the worst. Moreover, the day we decided *Korematsu* we also decided *Ex parte Endo*, 323 U. S. 283 * * *

The Commission asserts (Rep. 238) that "Today the decision in *Korematsu* lies overruled in the court of history." But Justice Douglas obviously did not think so when, in the *DeFunis* case in April 1974, he reaffirmed his support of *Korematsu*, in which he had concurred in December 1944, thirty years previously. And this was some time before he was stricken by a disabling stroke.

Third, the Commission attempts to establish that Korematsu has been overruled by subsequent decisions (Rep. 238-239, 280-282). But its contentions to that effect reflect simply lack of legal expertise.

Thus the Commission argues that Korematsu was overruled a little more than a year later by Duncan v. Kahanamoku, 327 U.S. 304. But the first case dealt with military interference with the person, the second with an entirely different matter, namely, military trials of civilians. The latter involves a demonstrably greater and hence far more serious military interference with civilian processes. Indeed, except when American forces were in actual occupation of enemy territory (Madsen v. Kinsella 343 U.S. 341), the Supreme Court has never sustained military trials of civilians. Ex parte Milligan, 4 Wall. 2; Reid v. Covert, 354 U.S. 1, withdrawing opinions in Kinsella v. Krueger, 351 U.S. 470, and in Reid v. Covert, 351 U.S. 487; Kinsella v. Singleton, 361 U.S. 234; Grisham v. Hagan, 361 U.S. 278; McElroy v. Gaugliardo, 361 U.S. 281.

The Commission further asserts (Rep. 239) that Korematsu was overruled by the decision that struck down President Truman's steel plant seizure, Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579. This argument verges on the fantastic. The thrust of all the opinions in Youngstown, the Court's and every concurrence, was that what President Truman did had never been authorized by Congress. But every executive step taken in the Japanese relocation had been specifically ratified by the Congress.

Fourth, the Commission never deals with, doubtless because unaware of, the century-old doctrine that military actions in a time of crisis must be judged in the light of the facts as they then appeared.

Here is what the Supreme Court said in 1852, some 90 years before the Pearl Harbor attack (Mithcell v. Harmony, 13 How. 115, 135):

> In deciding upon the necessity, however, the state of the facts, as they appeared to the officer at the time he acted, must govern the decision . . . And if, with such information as he had a right to rely upon, there is a reasonable ground for believing that the peril is immediate and menacing, or the necessity urgent, he is justified in acting upon it; and the discovery afterwards that it was false or erroneous, will not make him a trespasser.

The relocation cases followed and were consistent with this rule. Thus, in his concurring opinion in Hirabayashi, Justice Douglas said (320 U.S. at 107), ". . . military decisions must be made without the benefit of hindsight. The orders must be judged as of the date when the decision was made." And the Court's opinion in Korematsu concluded that (323 U.S. at 223-24) "There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short. We cannot — by availing ourselves of the calm perspective of hindsight — now say that at that time these actions were unjustified."

Under that doctrine, the Commission's repeated assertions that after-discovered evidence proved the lack of factual support for the elements on which the rulings that upheld the relocation program rested, become simply irrelevant.

But if, contrary to this well settled principle, it is permissible to look to subsequent events to determine the reasonableness or otherwise of challenged action, then the subsequent disclosures of Japanese-American disloyalty, enumerated under Point I above but uniformly disregarded by the Commission, amply establish that the government acted reasonably and rationally in 1942, when it proceeded on the footing that national peril required relocation. See the underscored passages in Justice Douglas's Hirabayashi concurrence quoted above at p. 10.

Of course everyone is always entitled to one's own opinion, even of the correctness or otherwise of the solemn decisions of the nation's highest court. But, at the risk of repetition, no one is entitled to his own facts.

Here, where the Commission never set forth the opinions in the Supreme Court's relocation decisions, where it obviously undertakes to smother with a fog of silence even the existence of Justice Douglas's published concurrence in one of them, where its efforts to establish subsequent overrulings reflect a want of professional adequacy, and where all that the reader can gather from its Report is that its authors dislike and hence denounce the decisions, there, once again, the Commission's conclusions rest on its very own and carefully picked-over set of facts.

C. The Commission's characterization of the loyalty program as "divisive" goes far to justify the relocation decision

In February 1943, the government undertook, what it lacked time to do earlier, see Justice Douglas's *Hirabayashi* concurrence quoted above, namely, to make individual determinations of the loyalty or otherwise of the Japanese-Americans in the relocation camps, with a view to releasing those who could demonstrate their loyalty.

Yet the Commission bitterly criticizes the loyalty questions that required Americans of Japanese ancestry, the Nisei, to stand up and be counted. "Designed to hasten their release, the [loyalty review] program instead became one of the most divisive, wrenching episodes of the captivity" (Rep. 186). "The registration program, conceived by the War Department and W[ar] R[elocation] A[uthority] as a dramatic step toward freedom, had become for many evacuees their bitterest experience in the camps" (Rep. 197). More than that, the Commission consistently denounces the loyalty program as "divisive", devoting an entire chapter to the matter, and justifying those who gave negative answers to the loyalty questions (Rep. 12-15; c. 7, Rep. 195-212).

The Commission's position accordingly presents this paradox: The government's doubts as to the total loyalty of American-born Japanese resulted in the evacuation of all ethnic Japanese, the step that led Secretary of War Stimson to say "that to loyal citizens this forced evacuation was a personal injustice". But the War Department's effort to separate loyal from disloyal citizens was, according to the Commission, "divisive", and it now justifies negative answers to the loyalty questions because they reflected the relocatees' resentment at the treatment they received (Rep. 13-15, 168). Otherwise stated, the Commission argues that the government was wrong when it relocated the loyal and the disloyal together — and equally wrong when it undertook to separate the loyal from the disloyal.

Significantly, the Commission never appears to realize that the high percentage of negative answers to the loyalty questions amply vindicated the government's decision to evacuate all Japanese ethnics because of the potential disloyalty of many among them.

Here were the two loyalty questions:

Question 27 asked draft-age males, "Are you willing to serve in the armed forces of the United States on combat duty, wherever ordered?" Others, including the women, were asked whether they would join the Army Nurse Corps or the Women's Army Corps.

One would suppose that any Nisei of military age, seeking to demonstrate his unswerving loyalty to the United States in the manner of those who ultimately comprised the 442d R CT, would answer Question 27 with a resounding "Yes!" Not so; although the exact figures are unclear (Rep. 195), ten Broek showed (p. 168) that only 6% of the Nisei in the relocation camps volunteered for military service.

Question 28 inquired, "Will you swear unqualified allegiance to the United States of America and faithfully defend the United States from any and all attacks by foreign or domestic forces, and forswear any form of allegiance or obedience to the Japanese emperor, or to any other foreign government, power or organization?"

One would similarly suppose that any Nisei desirous of shedding his probable and certainly potential dual Japanese citizenship, and similarly seeking to demonstrate undiluted American loyalty would likewise hasten to answer Question 28 affirmatively. Not so in this instance either; again the precise figures are unclear (Rep. 195), but ten Broek found (p. 168) that over a quarter of the Nisei refused to answer "Yes" to this loyalty question.

This seems an appropriate place to discuss dual citizenship.

The Nisei were American by American law because born in the United States; U.S. Constitution, Amendment XIV. But Article I of Japanese Citizenship Law No. 19 of July 1924 provided that "A child is regarded as Japanese if its father is at the time of its birth a Japanese" (Shibata v. Acheson, 86 F. Supp. 1, 3). This last should not occasion surprise; American law is identical; a child born to American citizens residing abroad becomes an American citizen at birth (8 U.S. Code §1401(a)).

However, the Commission asserts (Rep. 39), citing only secondary references, that "after 1924 ethnic Japanese had to be registered promptly with the Japanese consul in order to obtain dual nationality".

Additional details are set forth by a more credible authority, Professor J.J. Stephan of the University of Hawaii, an individual fluent in both oral and written Japanese (Hawaii Under the Rising Sun [1984] p. 24): Nisei born before December 1, 1924 could nullify their Japanese citizenship by submitting formal notification to the Home Minister. Those born afterwards would lose their Japanese citizenship within two weeks of birth unless their parents registered them at a Japanese consulate.

Thus, after 1924, older Nisei could renounce their Japanese citizenship, while the parents of those born after 1924 needed only to do nothing, and their children would have no legal ties with Japan. But, as Stephan points out in his Hawaiian study, those ties were not significantly loosened in Hawaii until the eve of World War II. By 1933, only 8% of Nisei born before 1924 had renounced their Japanese citizenship, and by then, also, some 40% of the Nisei born after 1924 had been registered at the Japanese consulate so as to acquire Japanese citizenship. Further, in 1938 it was announced that children of dual citizens (the third generation, or Sansei) were eligible for registration as Japanese subjects (Stephan, loc. cit.), and it was under that ruling that the Kiyamas' two Sansei children were registered (Point I(g) above at p. 2).

In Hirabayashi, the Supreme Court noted (320 U.S. at 98 n.8) that, according to separate studies by Japanese officials, the percentage of dual citizens among American-born Japanese was 88% in 1927 and 47% in 1930. The Commission asserts (Rep. 39) that "By the 1930's, only twenty percent of the Nisei held dual citizenship."

Inasmuch as the Commission relied solely on secondary authorities, never set forth the text of any Japanese legislation, and never mentioned the qualifications and figures collected by Professor Stephan, its 20 percent figure cannot be accepted as definitive without more. Nor does the Commission note that individuals with dual citizenship were liable for Japanese military service, and that a number of Hawaiian Nisei were indeed drafted into the Imperial Japanese Army (Stephan, pp. 24-25).

If, as the Commission now urges, the loyalty questions were defective and unacceptable because they spawned divisiveness, then that very contention simply emphasizes the emotional schizophrenia that, unsurprisingly, the Pearl Harbor attack triggered in the minds of so many Nisei: Would they be Japanese, reflecting their home life and their cultural background? Would they be completely and irrefutably American in outlook and action, in word and in deed? Or was their veneer of Americanism actually so thin that, unlike their contemporaries of the 442d, their relocation experience, which was a consequence of the American government's doubts as to their complete and unequivocal loyalty, led them to conclude that blood and culture properly outweighed place of birth? That last was in fact the conclusion contemporaneously reached by a substantial portion of the Nisei in the camps.

At this point it needs to be emphasized, as strongly as possible, that loyalty is a matter of mind and heart, an overriding sentiment of fealty, fidelity, and faithfulness. It is not a shirt, to be removed or resumed as sentiments and circumstances shift or change. National loyalty is not a bond that can be shaken off "due to the disgusting and shabby treatment given us" (Rep. 196), or in consequence of the particular answer available at any given time to the query, "What have you done for us lately?"

The Commission's denigration of the loyalty review program, and its present preference for the Nisei witnesses' rationalizations, expressed in 1981, over their actual responses to the loyalty questions, made in 1943, nearly four decades earlier, reflect all too plainly the Commission's pro-Japanese ethnic bias.

More than that, and this strikes at the very heart of the judgment now to be rendered by the Congress on the relocation program, the Commission's view of the loyalty program goes far towards supporting the reasonableness of all in authority whose lack of confidence in the complete American loyalty of all the Nisei underlay the entire program. As Justice Douglas pointed out in *Hirabayashi*, the military should not be required to wait until espionage or sabotage become effective before they could move.

D. The Commission's recommendations in respect of the Aleuts demonstrate well-nigh incredible pro-Japanese ethnic bias

The Aleuts, living on the Aleutian and Pribilof Islands, were among the countless innocent victims of World War II: They occupied territory where fighting not of their choosing or doing happened to take place.

But some phases of the relief that the Commission recommended for these unfortunates reflect a well-nigh incredible pro-Japanese bias on the part of that body: (1) Although compensation is proposed for all surviving Aleuts resettled by the United States, none is suggested for any of the Aleuts removed from Attu by the Japanese and held as prisoners in Japan as long as the war lasted. (2) Much of the debris of war still remains in the Aleutian Islands where it was left in the course of defensive operations and after actual combat. The Commission recommends removal at the expense of the American taxpayer, not only of what the United States forces left behind, but also of whatever war material the Japanese invaders abandoned after their defeat.

What is perhaps the strangest aspect of these recommendations is that no member of the Commission was sufficiently objective to detect the pro-Japanese bias, or perhaps even the anti-American bias, that those recommendations reflected.

Now to the Aleuts:

The proximity of Alaska's Aleutian Islands to Japan made them an inevitable battlefield during World War II. The Japanese occupied Attu, which was retaken at heavy cost in May 1943, and Kiska, which they evacuated shortly before a joint American-Canadian expedition was poised to recover it a few months later. Earlier, the United States had built air fields along the Aleutian chain, and those at Dutch Harbor on Unalaska Island were heavily attacked in June 1942. The base on Adak was also bombed. Conn, Guarding, Chapters X and XI, pp. 253-300.

When the Japanese took Attu in June 1942, they captured 42 Aleuts and two Anglo Alaska Indian Service employees (Rep. 321), and by September the 41 surviving Aleuts, plus the non-Aleut schoolteacher, were taken to Japan as prisoners of war (Rep. 337). Half of those Aleuts died in captivity, and the surviving 21 Attuan Aleuts and one newborn baby left Japan in September 1945 (Rep. 337).

Meanwhile, about 900 Aleuts were evacuated by the United States from the Pribilof Islands in the Bering Sea and from many Aleutian Islands as well. The Commission did not criticize those steps. To the contrary, it said (Rep. II, 10), "This action was justified as a measure to protect civilians in an active theatre of war. The Commission found no persuasive showing that evacuation of the Aleuts was motivated by racism or that it was undertaken for any reason but their safety. The evacuation was a rational wartime measure taken to safeguard them."

Unhappily for the unfortunate Aleuts, however, there was no central plan and no central agency to direct their move or to supervise their disposition. The Governor of the Territory of Alaska reported to the Secretary of the Interior (Rep. 320n.*), but was not appointed by him, as that reference asserts with by now familiar sloppiness; as long as Alaska remained a Territory, until 1959, its Governor was appointed by the President (48 U.S. Code, 1934-58 eds., §62). But the Governor lacked direct control over the operating agencies in Alaska that also reported to the Secretary of the Interior, the Office of Indian Affairs, plus the Fish and Wildlife Service (particularly in connection with the Pribilofs); and he himself received secretarial directives through the Department's Division of Territories and Island Possessions.

Nor was there unity of command among the armed forces in Alaska; the area never had an overall military commander. Army and Navy headquarters were physically 300 miles apart, and the resultant separation was exacerbated by personality conflicts. (Here again, we encounter slovenly staff work: It was the Alaska Defense Command, not the Eleventh Air Force as incorrectly stated at Rep. 322-23, that became the Alaskan Department [Conn, p. 300]. The Eleventh Air Force continued to exist as such, though at reduced strength, until the end [Craven & Cate, Army Air Forces in World War II, vol. 5, pp. 743-744]).

In consequence, there was never formulated any single, coherent policy for Aleut evacuation, and their actual removal was almost invariably ordered on woefully short notice by subordinate naval commanders. At that point the Aleuts were literally dumped into scattered but wholly inadequate quarters. Little if any attention was paid them, and the conditions under which they lived were, to use far too mild a term, utterly deplorable.

The Commission accordingly recommended, with Congressman Lungren dissenting, "that Congress establish a fund for the beneficial use of the Aleuts in the amount of $5 million. The principal and interest of the fund should be spent for community and individual purposes that would be compensatory for the losses and injuries Aleuts suffered as a result of the evacuation. These injuries . . . include lasting disruption of traditional Aleut means of subsistence and, with it, the weakening of their cultural tradition" (Rep. II, 11-12).

No payment is recommended to any Americans who were not Aleuts or of Japanese ancestry, but who also, in the course of World War II, suffered losses and injuries in consequence of steps taken by the American Government.

The Commission further recommended, with Congressman Lungren again dissenting, that Congress "direct a payment of $5,000 per capita to each of the few hundred surviving Aleuts who were evacuated by the federal government during World War II" (Rep. II, 12).

The underscoring has been added to emphasize that no Commissioner recommended compensation for any surviving Attuans whom the Japanese evacuated to Japan as prisoners of war during the same conflict. It may well be, of course, that, more than forty years later, there are no Attuan survivors. But the Commission does not rely on any such fact, if it be one, to justify the discrimination in its recommendation.

The Commission also found (Rep. 357) that "U.S. and Japanese military debris from World War II still litters the Aleutians. Most of it is unsightly; some is hazardous or polluting."

This time the underscoring has been included to bring into focus the Commission's recommendation (Rep.II, 12) that "Congress appropriate adequate funds through the public works budget for the Army Corps of Engineers to clear away the debris that remains from World War II in and around populated areas of the Aleutian Islands", an amount that the Commission elsewhere estimates at between $98 and $28 million (Rep. 357-58).

Otherwise stated, the Commission recommended that the American taxpayer bear also the expense of removing any and all war materiel that the Imperial Japanese Army abandoned in the Aleutians after its ultimately repulsed invasion and occupation of American soil.

These last two Commission recommendations, which would exclude compensation for any surviving Aleuts from among those whom the Japanese removed from Attu, and which would require the United States to pay for removal of whatever debris that the Japanese brought with them to the Aleutians in the course of their invasion, reemphasize in the most stark manner imaginable the all-permeating pro-Japanese bias of the Commission's staff, and the well-nigh incredible gullibility of the Commissioners who concurred.

Frederick Bernays Wiener

Frederick Bernays Wiener

Dated July 3, 1984.

PREPARED STATEMENT OF SHONIN YAMASHITA

Acquired or Manufactured Grievances

The summary of the Commission on War-time Relocation and interment of Civilians, "Personal Justice Denied" is one sided, fault-finding propaganda. From the beginning, the Commission members were carefully selected by the J.A.C.L. So, it is not impartial. Besides, the Commission's Chair, Joan Bernstein, herself disqualified by expressing pro-redress comments at various luncheon meetings sponsored by redress activists months before the public hearing began.

First of all, the Executive Order 9066 was the remedy, not the cause of our war-time ordeal. This order was issued more than two months after Pearl Harbor. Our ordeal at that time already had reached to the point of "umbearable". Many Americans are led to believe that we were uprooted immediately after Pearl Harbor. Actually, we entered the camps from May to September, and we were completely beaten and exhausted, and we knew the West Coast was not for us. The camps were the only way out for us.

We all sighed with relief when we learned that Uncle Sam was going to build camps for us, food and shelter guaranteed. When finally we got there, we were surprised to find that an apartment was assigned to each family. We had expected the worst. We all were grateful. All was understood and appreciated. We thanked Uncle Sam for his tremendous effort fo save us from the hostile water of the West Coast.

After several months of the camp living, after all the dust had settled, dissident elements of all shades emerged and started making troubles. But in-fightings, riots, and shootings were exceptions. All in all, we enjoyed peaceful, interesting, educational camp experiences. We liked and attached to the carefree living that even those Trouble-makers preferred to stay in the camp rather than thrown out to the West Coast. For us, the camps were "gokuraku" (heaven) and the outside was "shaba" (earthy hell). Even today, after 40 years, we have in our Japanese community, Manzanur high school reunion; former Postonian get-together; Heart Mountain Picnic; etc. We all want to get together and reminiss those good old days. Ask any displaced person from Europe, or Asia, or Central America. They all will tell you that our war-time experiences were picnics compared with theirs.

Property loss? Financial loss? Never in the history of mankind, enemy aliens and their childred had been treated like everybody else in a war-time turmoil. Anyone wants refress, must ask Tokyo to pay for it. After all, it was Tokyo who started all that mess.

Cary Williams' book "Prejudice" tells us in detail about our ordeal after Pearl Harbor. By reading this book, one must come to the conclusion that the evacuation camps were the only answer to save us. But Williams did not say so. He not only left us alone in that hostile water of the West Coast, but he accuses Uncle Sam for putting us in camps.

Average age of Nisei was 15 years and the majority of the camp residents spoke Japanese. Yet, we never had pro-con debate on this redress issue in Japanese community press. Besides, our "largest and the most influential" community paper Rafu Shimpo has been an ardent redress supporter.

Tokichi Mitoma's book, "60 years in America" never expressed bitterness against the evacuation. Martin Noda's book "Poston Diary" (in Japanese) tells about day to day account of his camp experiences. (1084 days) - no bitterness against the U.S.

In-fightings, anti-authority strikes are easy to dramatize but the silent majority's 1,000 days of peaceful and educational, joyful camp experiences are not mentioned in this Commission's report.

Arguments for arguments' sake. No, it's arguments for money.

Thirteen of New Mexico residents came to Poston with special permits in early days of the relocation to escape war-time harrassments. "at last we are safe", they cried when they arrived. The camps were open ended and "Personal Justice" was enjoyed by everyone except those dissidents.

JOHN J. McCLOY
ONE CHASE MANHATTAN PLAZA
NEW YORK. N. Y. 10005

1983 JUL 26 PM 2:21

July 20, 1983

Dear Senator:

I understand that the subcommittee, of which you are Chairman, is to meet on July 27 in Washington on matters in which I am deeply interested as a citizen of the United States and as The former Assistant Secretary of War during the Franklin D. Roosevelt administration when the Japanese war was taking place.

I was in the War Department on the "Day of Infamy" on December 7, 1941 and I believe I was the highest senior civilian official there at the time of the attack. I have testified before the commission which was appointed by President Carter to look into the circumstances surrounding the steps which were taken by our government following the attack to offset the consequences of the loss of almost our entire Pacific Battle Fleet and its installations on that day.

Only as this commission was about to close its hearings, was I called upon to appear before it in regard to the relocation program which had been ordered by President Roosevelt. By that time, a great head of steam had been built up by news accounts of the hearings largely inspired by the lobbyists. From my personal experience, at the hearings of the commission, I believe its conduct was an horrendous affront to our tradition for fair and objective hearings. It constituted a serious affront to that tradition. Whenever I sought in the slightest degree to justify the action of the United States which was ordered by President Roosevelt, my testimony was met with hisses and boos such as I have never, over an experience extending back to World War I, been heretofore subjected to. Others had similar experiences. I do not have the means or the resources to call witnesses or produce evidence in support of the action taken by the President of the United States and his advisors but I was there at the time and it became clear from the outset of my testimony that the commission was not at all disposed to conduct an objective investigation of the circumstances which induced the President of the United States to issue the order which he did and as to the significance and purpose of which he was fully aware. The commission was, in effect, one erected to build up a case against the propriety of such an order and the manner in which it had been carried out. No current officials of the government, so far as I have heard, were ever called on to produce evidence in support of the action which the President and his advisors took in their good judgment as to what the consequences of the attack demanded.

Nor were any called to produce any information from the records of the government as to the motivation for the order.

Bland statements have been repeated by the commission to the effect that not a single case of proven sabotage or disloyalty had been produced either before or after the attack which would justify the propriety of the relocation. The fact of the matter is that this evidence was not sought. Anything which could be educed to show the reasonableness of the precautions taken by the President produced these demonstrations or were later called "irrelevant" by the chair. Comparisons between the manner in which the ethnic Japanese/Americans were treated in contrast to the manner in which Japanese ethnics were treated in the rest of the world including Canada were also declared irrelevant. The fact that the members of the Pacific Fleet who were on their ships at the time of the attack and whose bodies are still entombed in their vessels at the bottom of the Harbor were never adequately compensated for their suffering and death was also called "irrelevant." The extensive amenities made available to the relocatees in the camps and elsewhere were also deemed "irrelevant."

I may not be in a position now to cite chapter and verse this long after the event but given the same amount of money that this commission had to make its case and with the paid staffs at its disposal, I could readily have produced supporting evidence of the threats which then faced the nation. I could go on and on giving evidence of what I consider to have been the wholly one-sided nature of the commission's hearings. It would have presumably been quite as simple for an objective examiner of the commission to have dug up again the so-called "MAGIC" revelations as it was for Mr. Mohr, a reporter on the NEW YORK TIMES to do so. It is little wonder that this information caused consternation among the commission as well as in the editorial offices of Mohr's paper and the feeble attempts now being made by the commission itself to discount his research is quite revealing. The truth is really that this commission simply does not know whether there were any acts of sabotage or frustrated acts of sabotage committed on the West Coast.

I have been asked whether I would be prepared to testify before your committee. I, of course, would be. I cannot be there on July 27 or 28 as I have a long standing commitment with my family but I can certainly find a date convenient to your committee and myself shortly thereafter.

Very truly yours,

/tr

Senator Charles E. Grassley
Subcommittee to the Senate Judiciary Committee
in charge of Administrative Practice & Procedure
Senate Office Building
Washington, D.C. 20310

Judge STEPHENS did not participate in the decision of this case.

Exhibit (1)

[Title of District Court and Cause]

Findings of Fact and Conclusions of Law

The above entitled cause came on regularly for trial on *on* August 20, 1948, in the courtroom of the Honorable William C. Mathes, Judge, presiding without a jury, no jury having been requested, A. L. Wirin, Fred Okrand, and Frank Chuman by A. L. Wirin, appearing as attorney for plaintiffs, and James M. Carter and Ernest A. Tolin by Ernest A. Tolin, appearing as attorney for defendant, and evidence having been introduced on behalf of all parties, and the Court having considered the same and heard the arguments of counsel and being fully advised, makes the following:

Findings of Fact.

* * * * * *

8. Each of the plaintiffs was found by the War Relocation Authority to be free of any suspicion of disloyalty to the United States.

9. In January 1942, great anti-Japanese agitation was aroused, proposing that all persons of Japanese ancestry should be evacuated from the West Coast of the United States. The agitation resulted in the ultimate removal from this area by military authorities of all persons of Japanese ancestry whether alien or citizen of the United States.

10. In February 1942, approximately six hundred (600) males of Japanese ancestry who theretofore had been serving in the United States Army, either by way of induction or enlistment, had been honorably discharged from the United States Army or transferred to the Reserves. The certificates of honorable discharge gave as the reason for discharge, for the convenience of the Government. Commencing in March through the spring of 1942, one hundred and ten thousand (110,000) persons of Japanese ancestry, both citizens and aliens alike, were removed from the Western Defense Command composing [38] all the Pacific Coast states into assembly centers and later into relocation centers. Such evacuation was felt by these persons to be proof that they were persona non grata to the American public and to the United States Government. In a matter of a few short weeks, a lifetime of savings had been lost. They had lost their homes and friends. They had been forced to liquidate, give away, or abandon their farm equipment, merchandise, and such other valuable and personal property that they had.

11. In the Spring of 1943, the War Relocation Authority, under which persons of Japanese ancestry had been placed under military guard in the relocation centers, encountered unfavorable publicity in the press. A subcommittee of the House Select Committee to Investigate Un-American Activities conducted an investigation into the policies of the War Relocation Authority and recommended segregation of those whom it deemed disloyal to the United States from those it deemed loyal. The preparation for this segregation process was carried on in the spring and summer of 1943. The Tule Lake Relocation Center was designated as the depository for "disloyal" Japanese. Over 6,000 American citizens of Japanese ancestry stigmatized as disloyal entered the Tule Lake Center in September and October of 1943 under this segregation program. Some 6,000 residents of Tule Lake who refused to move to another relocation center were also present in the center. Other persons included women and children. Children loyal to the United States were allowed to accompany segregee parents. Parents who were aliens loyal to the United States were allowed to accompany segregee children.

Several reasons were prominent as to why the evacuees decided to become segregants and to assume the status of individuals disloyal to the United States. They included (a) fear of being forced to leave the centers and face a hostile American public; (b) concern for the security of their families; (c) fear on the part of evacuee parents that their sons would be drafted if the sons did [39] not become segregees; (d) anger and disillusionment, owing to the abrogation of citizenship rights; (e) bitterness over economic losses brought about by the evacuation. A great many of the people at Tule Lake under the gregation program also regarded it as a place of refuge where they might remain for the duration of the war.

The final count under the segregation program was eighteen thousand (18,000) persons. They were placed in the Tule Lake Center in an area of six square miles of black volcanic ash and were forced to live in uncomfortable, black tar-paper barracks under a pall of black smoke in the winter and ash and dust in the summer. The 18,000 people within the confines of barbed-wire enclosure comprised a conglomerate community of persons from all walks of life living in close proximity with one another, not by reason of freedom of choice but under a predetermined program prescribed for them by the Government. There was no normal living to be found. Families from isolated rural communities were flanked by strange families from urban communities. Fishermen from Terminal Island, farmers from Central California, merchants from Seattle, Portland, San Francisco, Los Angeles, lawyers, doctors, and other professional persons and scholars, and even the gamblers, prostitutes, and criminals were co-mingled into this community. They lived in crowded, dismal barracks, ate unpalatable food of the mess halls, lacked privacy in community lavatories and laundry rooms, and lived in a constant atmosphere of a concentration camp of dead monotony.

The segregation program brought together persons who honestly felt an allegiance to Japan and the Japanese Emperor, but it also brought the trouble-makers, the malcontents, the fractious, the rebellious and frustrated, the draft-dodgers, the fanatics, the social misfits, the professional "organizers," the party politicians, the political leaders and their gangs of "goons" and "strong arm" boys.

12. On November 1, 1943, there was a demonstration by the [40] residents of Tule Lake Center against Dillon Myer, the Director of the War Relocation Authority. The leader of the representative body composed of Japanese residents engineered a mass demonstration. The behavior of this crowd was orderly. On the same day, however, a group of young Japanese entered the center hospital and attacked and severely beat the Caucasian chief medical officer who was unpopular with the Japanese residents.

13. On November 4, 1943, a fight broke out between the Caucasian War Relocation Authority Internal Security force (police department of the center) and a group of young Japanese men. Immediately thereafter the military assumed control of the center to prevent further demonstrations and attacks upon Caucasian personnel. The leaders of this mob action were placed within a barbed-wire stockade which had been constructed in the center.

14. From November 13, 1943, until January 24, 1944, the military completely controlled the Tule Lake Center under a declared condition of martial law.

15. On January 24, 1944, the Army returned Tule Lake Center to the control of the War Relocation Authority. The Army, however, still held some three hundred and seventy-five (375) Japanese men as prisoners in the barbed-wire stockade, including all the members of the self-constituted "negotiating committee" which had engineered the meeting with Mr. Dillon Myer on November 1, 1943.

16. In the spring of 1944, it was becoming more and more evident on the part of Caucasian and Japanese residents that there existed a strong underground pressure group composed mostly of fanatic Japanese aliens and those persons of Japanese ancestry whose sympathies lay with the Japanese Government. This underground group was considerably strengthened by the arrival of certain parolees from Santa Fe Alien Internment Camp, a camp operated by the Department of Justice for those whom it had apprehended as Japanese whose presence in the Western Defense Command at the outbreak of the war [41] between Japan and the United States on December 7, 1941, was inimical to the national defense. Powerful gang leaders accompanied these groups of parolees.

17. In the spring of 1944 soon after the arrival of this group of parolees or in April 1944, the underground group emerged

and adopted the name Saikakuri Seigan (literal translation: "Appeal for Resegregation"). This resegregation group was also known as the Sokuji Kikoku Hoshi-dan whose membership was composed of families, adult aliens, citizens, and minor children.

18. Later in 1944, the Hoshi-dan sponsored an auxiliary body for young men. This was called the Young Men's Fatherland Group. It was also called the Sokoku Kenkyu Seinan-dan and the Hokoku Seinen-dan. Most of the members were citizens of the United States. These organizations were intimately related and many or most of the members of the Young Men's Fatherland Group were members of the resegregation group. The older men, i. e., the Issel, advised the Young Men's Fatherland Group and formed most of the policies of the young organization. It was the avowed purpose of the resegregation group to set up activities to keep the center in a state of turmoil. A series of assaults were added to the tension. Certain men who had openly criticized the activities of the resegregation group were attacked at night and severely beaten. Several of the beatings were engineered by the alleged gang leaders. None of the assailants were apprehended by the police. In the Tule Lake Center, seven men alleged to be "inus" were beaten. There was an extraordinarily powerful evacuee fear of being considered an "inu" or "stool pigeon." The "inu" phenomenon was a potent means of social control in all the centers. In Tule Lake, it played a significant part in sociological developments which preceded renunciation of citizenship. It was largely responsible for the fact that terrorists and persons guilty of violent assault were not denounced to the authority. [42]

19. On July 1, 1944, Subsection (i) of 401 of the Nationality Act authorizing renunciation of American citizenship under certain expressed circumstances was added to the Nationality Code of 1940. The proposal that American citizens should be permitted in time of war to renounce their citizenship was made for the purpose of devising a system of controlling the disloyal and riotous element at Tule Lake by separating them through renunciation of their American citizenship into enemy aliens for control and detention by the Department of Justice.

20. On July 3, 1944, Mr. Hitomi, the General Manager of the Cooperative and an alleged "inu," was found in front of an apartment of his relative with his throat cut. The remaining members of the Cooperative's Board of Directors received anonymous communications that they would meet the same violent end if they did not cease their opposition to the pro-Japanese association. The Japanese members of the Board resigned in a body. All Japanese members of the Internal Security also resigned and sought shelter for their families and themselves on the Caucasian side of the fence. The residents of the center were frightened for weeks. A period of extreme community tension and fear followed the murder of Mr. Hitomi. This murder set a pattern of violence over and above the ordinary beatings which took place from time to time, over and above the daily threats and intimidations which the organized minority used to dominate the unorganized majority. If Mr. Hitomi was killed for some reason or for no reason at all, the residents were in constant fear that the same thing would happen to them.

21. On July 13, 1944, the Tule Lake project newspaper, The Newell Star, published a statement explaining that the Congress of the United States had passed a law which provided that a citizen of the United States might make a formal written renunciation of nationality.

22. On August 12, 1944, the resegregation group leaders [43] organized a young men's group ostensibly devoted to the study of Japanese history and culture called the Sokoku Kenkyu Seinen-dan or the Young Men's Fatherland Group. This new group was fostered and developed by subversive leaders who organized "goon" squads or "strong arm" boys to execute their orders. In a high-powered membership drive and with the use of every kind of deception, intimidation, and threat, the membership boomed. Many people, both young and old, were forced to join this subversive organization against their will.

Men were forced to shave their heads. The Americanized girls were coerced into membership and then to wear their hair in "pig tails."

23. On September 24, 1944, a petition was circulated by this subversive group for renunciation by American citizens of their citizenship. This petition for renunciation was circulated without the permission of the War Relocation Authority. Pressure was exerted upon the residents who would not sign such a petition. A substantial majority of the residents disapproved of this petition and further resented the social pressure applied by its circulators. Gang leaders were threatening persons who opposed their program with violence. Many residents believed that if they opposed this resegregation group movement that they were in immediate danger of physical violence from the gang. In fact, the residents could not even speak against this resegregation program.

24. On September 27, 1944, the War Relocation Authority issued a statement that the petition was unauthorized. There was evidence, however, that the resegregationists continued their efforts to get signatures.

25. On October 15, 1944, several elderly Issei men were attacked by a group of assailants and severely beaten. The attack was instigated by one of the advisors of the Young Men's Fatherland Group. The attack was occasioned by these persons having publicly spoken against the activities of the resegregation group. [44]

26. On October 21, 1944, the gang leader of the Young Men's Fatherland Group addressed the members of the group and told them that he would incite the men to violence and promised to take care of them if they got into trouble.

27. On October 30, 1944, the right-hand man of the alleged gang leader knifed a young Nisei. The father of the victim had been a resegregationist, had "found out how rotten they were," and had publicly criticized the alleged gang leader. In addition to the known leaders of the disloyal organization, there was a group of unknowns, behind-the-scene advisors and strategists, who were much more powerful than the known leaders and members of the organization. These unknown advisors and strategists employed force through the use of "goon" squads. These strong armed gangs of fanatic young men operated at night intimidating, threatening, attacking, beating, and even accomplished a murder. The local evacuee police force was afraid to interfere with the activities of these hoodlums.

28. On December 5, 1944, Mr. John L. Burling of the Alien Enemy Control Unit of the War Division of the Department of Justice arrived at the Tule Lake Center to initiate the hearings for renunciation of citizenship. Mr. Burling had been sent by Assistant Attorney General Wechsler.

29. On December 6, 1944, the renunciation hearings commenced and continued until December 14, 1944. During this period there was an intensification of tensions, fears, and extreme insecurity, brought about by misinterpretations of administrative policies on the part of the residents, which raised the residents to a state bordering on panic. The common witticism among officials of the center at the time of the renunciation hearing was that the population of the center was largely "mad" and that the center should be taken from the War Relocation Authority and transferred to the United States Public Health Service to be run as a specie of mental institution. A nucleus of genuinely pro-Japanese leaders whipped the people up [45] to hysterical frenzy of Japanese patriotism Also, at or near the renunciation hearing, the pro-Japanese organization established a "college of renunciation knowledge" and carefully coached these called for hearings on questions which would be asked and the correct answers to be given. Specific instructions were given on what to say and how to act at the hearings.

30. The following is a brief description of the physical facilities and operation of the renunciation hearing procedure. Mr. John L. Burling was assigned a hearing room for his exclusive use. He was assigned as a Caucasian interpreter and a Caucasian stenographer by the War Relocation Authority. Individuals who had applied for permission to renounce citizenship were called in separately and questioned by Mr. Burling. No other person of Japanese

ancestry was in the room. After the questioning was finished, the applicant was presented with a renunciation form which he was asked to sign. Stenographic transcripts were taken of each hearing.

31. On December 19, 1944, Major-General H. C. Pratt, Commanding General of the Western Defense Command, withdrew the public proclamations and orders of 1942 which had ordered the exclusion of all persons of Japanese ancestry from the West Coast area. This lifting of the exclusion order permitted all such persons to return to the West Coast with the exception of named individuals who were served with individual exclusion orders. The project newspaper, The Newell Star, published this proclamation on the same day.

32. Also on December 19, 1944, the War Relocation Authority, through Mr. Dillon Myer, issued a statement that all of the centers would be closed with a period of six months to one year after the revocation of the exclusion order. An Army team of some twenty officers further began to hold hearings on December 19 for the purpose of inducting loyal male residents of American citizenship [46] into the United States Army.

33. On December 23, 1944, Mr. John L. Burling returned to Washington, D. C. to report to Mr. Edward J. Ennis, head of the Enemy Alien Control Unit, Assistant Attorney General Wechsler, and Attorney General Francis Biddle. Mr. Burling had been at the Tule Lake Center a period of eighteen days.

34. On December 26, 1944, as a result of force, fears, coercions, and intimidations of pro-Japanese aliens upon American citizens, some two thousand (2,000) applications for renunciation poured into the Department of Justice in Washington, D. C. Such a great number of applications caused the Tule Lake Center Post Office system to break down under the pressure.

35. On December 27, 1944, seventy leaders and officers of the resegregation group were removed to the Alien Internment Camp in Santa Fe, New Mexico. These men were the most active leaders in the reign of terror which existed in the center during the renunciation hearings. The removal of these seventy leaders gave the remaining terrorists and propagandists a stronger foothold over the pro-Japanese organizations.

36. In January 1945, Mr. John L. Burling again left Washington, D. C., for California with hearing officers, Charles M. Rothstein, Joseph J. Shevlin, Ollie Collins, and Lillian C. Scott.

37. Enroute to California, another avalanche of three thousand four hundred (3,400) additional applications for renunciation were received by the Department of Justice.

38. On January 11, 1945, the Department of Justice hearing officers arrived at the Tule Lake Center. By the time they arrived, of seven thousand (7,000) citizens over the age of eighteen (18) years, over five thousand (5,000) had applied for renunciation of their citizenship.

39. On January 18, 1945, Mr. Burling released a letter written on behalf of the Attorney General condemning the activities [47] of the resegregation group stating that they were "intolerable and they must cease." This letter was addressed to the Chairman of the Sokuji Kikoku Hoshidan and the Chairman of the Kokoku Seinen-dan as follows: "I am well aware that your two organizations have put pressure on residents of this center to assert loyalty to Japan and that in a number of cases physical violence was employed * * * It is as treasonable to coerce others into asserting loyalty to Japan here as it would be outside. All these activities will stop."

40. On January 26, 1945, the second group of pro-Japanese organization leaders and officers were removed to the Department of Justice Internment Camp at Santa Fe, New Mexico. About six hundred and fifty (650) members of the organization were removed on February 11, 1945, and one hundred and twenty-five (125) men were removed to the same camp on March 4, 1945.

41. On January 29, 1945, a statement by Mr. Dillon Myer was released in the project newspaper that "those who do not wish to leave the Tule Lake Center are not required to do so and may continue to live

here or at some similar center until January 1, 1946."

42. On February 11, 1945, after six hundred and fifty (650) members of the pro-Japanese organizations had been removed by the Department of Justice to the Santa Fe Alien Internment Camp, the anxiety and panic of the residents reached a new peak. Lawlessness, gangsterism, and hoodlumism prevailed at the center during this period. The residents of the Tule Lake Center had for almost four years been subject to the demoralizing effects of center life. They had suffered physical hardship and loss of property from the evacuation. They had been stigmatized by the press as rioters. Those who desired work were not given employment. They had been subject to misinterpretation of the renunciation procedure. They had been subject to rumors which had produced an irrational state of mind, which accompanied long detention, isolation, tension, and insecurity in the form of a mass hysteria. [48]

43. On March 16, 1945, the War Relocation Authority announced to the residents that the activities in which the pro-Japanese group had taken part, e. g., parades, drilling, and bugling, were unlawful and prohibited. This announcement came after the pressure by these disloyal elements had accomplished the purpose of having obtained a renunciation by a great majority of the residents of their citizenship.

44. Miye Mae Murakami lived during the entire renunciation procedure in Block 75 of Ward 8, admittedly the most rabid pro-Japanese section of the entire Tule Lake Center. She lived in an atmosphere of fears, threats, and scares stirred up by gangsters and hoodlums of the pro-Japanese organizations. She was threatened with her life unless she renounced, even in the supposed privacy of the women's washroom when rough-looking men invaded such room to put the women in fear of physical harm. She lived in an atmosphere of assaults, batteries, stabbings, and pressures from neighbors. She had heard of the mysterious murder of a leader of the Japanese community and that other residents would meet the same fate unless they renounced their citizenship. These threats and fears resulted in her losing completely any sense of perspective or balance in her thinking. She renounced her citizenship not of her own free will but by the pressure exerted upon her by the life in the community and by the fears that prevailed in the center.

45. Tsutako Sumi resided in Block 75, Ward 8. She lived in an atmosphere of threats, wild distorted reports and rumors. The pro-Japanese gangs attempted to force every one in the block to renounce their citizenship. The leaders applied pressure upon her husband to force him to coerce his wife to renounce her citizenship. She was cognizant of the beatings which had been imposed upon residents who had dared to oppose the pro-Japanese groups. She knew that the center police force, composed of Japanese evacuees, could never give her adequate protection in the case of an assault. She [49] was also caught in a whirlpool of mass anxiety, pressures, ridicules, and threats, which in the end resulted in her renouncing her citizenship against her will.

46. Mutsu Shimizu had heard of a murder committed upon a resident of the center which was followed by threats from pro-Japanese groups that other residents would meet the same end if they did not renounce. She was fearful of physical violence from Caucasians if she relocated. The pro-Japanese societies constantly stirred her emotions, fears, and anxieties. She lived in an atmosphere of pressures, compulsions, influences, and coercions which deprived her of any voluntary willingness to renounce her citizenship. Being subject to and living daily in such an atmosphere caused her to renounce her citizenship.

Conclusions of Law.

1. This Court has jurisdiction under the provisions of 8 U.S.C.A. § 903, 54 Stat. 1171 and under the provisions of Judicial Code Section 274d, Amended, 28 U.S.C.A. § 400, now 28 U.S.C.A. §§ 2201, 2202.

2. The benefits of citizenship can be renounced or waived only as the result of free and intelligent choice. Since the purported renunciation of the plaintiffs Miye Mae Murakami, Tsutako Sumi, and Mutsu Shimizu was not as a result of their free and intelligent choice but rather because of

mental fear, intimidation, and coercions depriving them of the free exercise of their will, said purported renunciations are void and of no force or effect.

3. All of the plaintiffs are entitled to have their purported renunciations cancelled and they are further entitled to their full rights of citizenship; and all of the plaintiffs are further entitled to receive passports as citizens of the United States.

4. Judgment is hereby ordered to be entered cancelling the purported renunciations of all the plaintiffs and adjudging that [50] all the plaintiffs be restored to their full rights as citizens of the United States; and judgment is further ordered against the defendant to issue passports to the plaintiffs, as citizens of the United States, as prayed for in the Complaint.

In re PATTERSON.

PATTERSON v. STANDING COMMITTEE OF DISCIPLINE TO BAR OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON.

No. 12175.

United States Court of Appeals
Ninth Circuit.
Sept. 21, 1949.

The Standing Committee of Discipline to the Bar of the United States District Court for the District of Oregon, charged J. Robert Patterson, assistant United States attorney, with acts incompatible with his official duty, and he appealed from judgment permanently disbarring him from practice of law in United States District Court for District of Oregon, James Alger Fee and Claude McCulloch, District Judges.

The Court of Appeals, Stephens, Circuit Judge, reversed judgment holding that disbarment was too severe a discipline for the acts committed and that a reprimand would be sufficient punishment.

1. Attorney and client 🔑57

Judgment of United States District Court permanently disbarring an attorney from practice of law before it, is appealable to Court of Appeals.

2. Attorney and client 🔑36(1)

The power to disbar or otherwise discipline an attorney is possessed by all courts which have authority to admit attorneys to practice, and is circumscribed only by sound discretion, moderation and judgment in finding that discipline is warranted and in determining the measure of the discipline.

3. Attorney and client 🔑58

Since disbarment proceedings are not for purpose of punishment but to maintain integrity of the courts and the legal profession, court should never decree disbarment when any discipline less severe would accomplish the purpose in mind, but in a clear case, court must disbar an attorney.

4. Attorney and client 🔑57

The scope of appellate review in disbarment proceedings is limited to the inquiry of whether there was an abuse of discretion, or grave irregularity, and Court of Appeals cannot reweigh testimony, but should examine it within bounds of its reviewing power.

5. Attorney and client 🔑58

Permanent disbarment of a young assistant United States attorney with an otherwise unblemished reputation on the theory that he performed acts for clients which were incompatible with his official duty and which did not involve moral turpitude was too severe and a reprimand would be sufficient punishment.

◆

B. A. Green and Mason Dillard, Portland, Oregon, for appellant.

David Lloyd Davies, Samuel H. Martin, Robert A. Leedy and James C. Dezendorf, Portland, Oregon, for appellee.

Before STEPHENS, HEALY and POPE, Circuit Judges.

STEPHENS, Circuit Judge.

[1-4] Appellant, an attorney at law at the Oregon Bar and an assistant United States attorney admitted to practice in the

Senator STEVENS. Our next witness is David Lowman.

TESTIMONY OF DAVID LOWMAN, ACCOMPANIED BY RICHARD IMES

Mr. LOWMAN. My name is David Lowman. I am a career intelligence officer with the U.S. Government.

I was a consultant on the declassification of World War II intelligence, and I am the author of a number of historical articles based upon declassified intelligence.

The gentleman on my right is Mr. Richard Imes, a colleague who is here with me but will not be testifying today.

I want to thank you for the opportunity, Mr. Chairman, to testify. The testimony I am going to give is a condensation of a larger and more detailed statement fully annotated and documented which I have turned in to the subcommittee, and which I ask be made a matter of record.

At the outset, I would like to make it perfectly clear that I, too, feel that a grave injustice was done to many resident Japanese nationals, and to many Japanese-Americans who lived on the west coast in 1942, who were evacuated and interned solely on the basis of their ancestry.

My quarrel is with the Commission on Wartime Relocation and Internment of Civilians which, appointed to look into this tragedy, failed to disclose one of the major reasons why the U.S. Government felt that the implementation of Executive Order 9066 was necessary.

The Commission, in its report, "Personal Justice Denied," has misrepresented the prevailing intelligence opinion at that time, and was unaware of the most significant intelligence available to the United States on the subject which the Commission was charged to investigate.

For these reasons, the Commission's report contains a number of demonstratively wrong statements and erroneous impressions and conclusions.

Unknown to the Commission, Roosevelt had before him when he made his decision to evacuate ethnic Japanese from the west coast, the most important and authoritative intelligence available to the U.S. Government at that time on this issue, data from broken Japanese diplomatic codes and ciphers, cover named MAGIC. These intercepted messages indicated that the Japanese Government was establishing large espionage nets on the west coast utilizing both resident Japanese aliens and Japanese-Americans.

The fact that MAGIC was available at this crucial time was due to one of the most remarkable achievements of the war. U.S. cryptanalysts had succeeded, by late 1940, in breaking all of the Japanese diplomatic codes and ciphers. Japanese messages sent in these systems were intercepted routinely by U.S. Army and Navy radio intelligence units on a continuing basis. Included among the diplomatic communications were hundreds of reports dealing with espionage matters in the United States and its possessions.

The most comprehensive study ever made of events leading up to Pearl Harbor—hearings before the Joint Congressional Committee on the investigation of the Pearl Harbor attack, 39 volumes of hearings, published in 1946—examined every aspect of MAGIC in excruciating detail. It is the single most investigated subject in the study.

The Joint Committee's conclusion: "MAGIC contributed enormously to the defeat of the enemy, greatly shortened the war, and saved many thousands of American lives," and it was "some of the finest intelligence in the U.S. history."

The information contained in these messages was so significant, and the fact that we had broken the code so sensitive, that distribution was severely limited. MAGIC intelligence initially was restricted to the Secretary of War, the Army Chief of Staff, Chief of Army War Plans, Director of Military Intelligence for the Army, the Secretary of the Navy, the Chief of Naval Operations, the Chief of Navy War Plans Division, Director of Naval Intelligence, the Secretary of State, and the President of the United States.

Of course as time went on, this list was expanded, but this was the initial list decided upon by General Marshall and Admiral Stark.

However, limited distribution of MAGIC itself did not mean that the intelligence never left the tight circle of readers in Washington, D.C. The Army and Navy recipients in the Nation's Capitol looked out for their field commanders. Normally the data was passed on in a sanitized version; that is, the information was given out in a way which did not disclose its source.

I would like to point out to the subcommittee at this time some of the more important Japanese Government messages—at least for our purposes here—which are contained in the Department of Defense study published in 1977 entitled "The MAGIC Background of Pearl Harbor," eight volumes.

I do wish to stress, however, that these volumes contain only a fraction of the Japanese Government's communications concerning its espionage activities on the west coast, and its involvement with resident Japanese nationals and Japanese-Americans.

Unless the information had to be expedited for some reason, the Japanese officials would normally send it by diplomatic pouch, or courier mail, because there was no danger then of the United States obtaining a copy of the enciphered message. If they sent it by cable, it was subject to being intercepted, something the Japanese attempted to avoid for particularly sensitive matters, as a routine precaution.

In fact, a June message from the Japanese Foreign Minister states, and I quote:

> Needless to say, courier mail is a more secure method of transmitting information than reliance upon codes, so when there is some secret matter which might arouse a given nation, please send the message by courier mail.

If there was anything designed to arouse the United States, it was certainly the specter of massive espionage nets being established on the Pacific coast utilizing United States residents of Japanese ancestry. Frankly, I am surprised that we have the number of messages we do which were not timely, and which could have gone by courier pouch.

Everyone on MAGIC distribution during 1941 realized that what was being seen was only a portion of the actual flow. We had a small window on a very large scene. Nonetheless, what was available was sufficient to form a reasonably accurate picture of the scope, nature, and success of the Japanese Government's espionage activities on the west coast, as well as its involvement with Japanese-Americans and resident Japanese nationals.

In January 1941, the Japanese Embassy and its consulate officials in the United States were instructed, by message, to start emphasizing intelligence acquisition rather than propaganda in order to be "prepared for the worst."

Following this, Tokyo issued detailed instructions to spy on United States aircraft plants and their output, movement of military supplies to Alaska and the Aleutian Islands, shipping activity, arms production, and any naval or army data of interest. Support was to be given to any group or organization which could be used to foment discord in the United States.

Specifically mentioned, among others, were the Negro movement, labor unions, the Communist Party, and antisemitic organizations. Alterations to airports were to be reported. Any strengthening of the defenses on the Pacific coast or in Hawaii was to be noted. Information was desired on merchant vessels, such as any deviations from regular schedules, any remodeling of the ships, or any special requisitions by the U.S. Government. Movement of troops to the South Pacific, information on drafting people into the Army and Navy, and the number of people graduating from aviation schools was wanted.

From time to time, these basic requirements would be supplemented by special requests for information.

To assist in this massive information-gathering project, agents were to be recruited. The agents were to include both resident Japanese nationals and American citizens of Japanese ancestry, as well as other ethnic groups. In recruiting Japanese second-generation and resident nationals, Tokyo warned to use the utmost caution, lest "our people in the United States" be subject to persecution.

In May 1941, Ambassador Nomura was instructed to appoint Secretary Terazaki to be in charge of coordinating Japanese intelligence in both North and South America. Every facility was to be granted for the efficient completion of his work.

In April, Tokyo instructed all the consulates to wire home lists of first- and second-generation Japanese according to specified categories. These data were to be compiled from the 1940 October census; but the Chicago consulate, in its reply, stated that its figures were based on the Annual Japanese Occupational Report, the 1936 Japanese census, the Yearly Status Report, and the Record of Movement of Japanese Nationals. Obviously, the consulates were maintaining comprehensive files and records on all ethnic Japanese in their area.

By May 1941, the Japanese Embassy discovered that espionage was an expensive proposition and asked Tokyo for a substantial increase in funds "for the purpose of employing nationals and foreigners."

A paternalistic attitude by the Japanese Government toward people of Japanese ancestry living in the United States is evident in many messages. They are referred to as "our second generation," "our resident nationals," and "our people."

There are discussions about propaganda broadcasts and Japanese language newspapers, which, incidentally, were subsidized by Japan and depended on the Japanese news service, Domei, for their information.

There were discussions about maintaining close relations with various organizations and societies all designed to keep the ethnic Japanese in the United States informed of the Tokyo point of view, and for the purpose of collecting intelligence from them.

In July 1941, there was a particularly alarming message from Mexico City to Tokyo. What this message said is that representatives of Japanese nationals living in Mexico agreed to abide by the decisions and follow the orders of the Japanese Embassy, and that command channels had been established within Mexico for the purpose of passing on Embassy orders to the Japanese population throughout all of Mexico.

In 1941, the implications involved in this message must have been very disturbing. The possibility that a similar arrangement might exist in the United States, to some extent, could not be ruled out.

This kind of close-knit family relationship evident in Japanese messages—which seemed to assume on the part of the Japanese Government that most Japanese, regardless of their status, would remain loyal to the homeland and the Emperor—had to be viewed with great apprehension by the recipients of MAGIC.

In May 1941, Japanese consulates on the west coast reported to Tokyo that first- and second-generation Japanese had been successfully recruited and were now spying on shipments of airplanes and war material in the San Diego and San Pedro areas. They were reporting on activities within aircraft plants in Seattle and Los Angeles. Local Japanese were watching movements across the Mexican border. They were reporting on shipping activities at the Bremerton Naval Yard and were supplying inside information about labor unions.

The Los Angeles consulate reported: "We shall maintain connections with our second generation who are at present in the Army to keep us informed of various developments in the Army." Seattle followed with a similar dispatch.

Earlier in 1941, Tokyo had decided that Mexico would be the fallback position to control the espionage nets established in the United States.

In June and July, plans were initiated concerning communications between agents in the United States and control in Mexico City in the event of war. Land routes for couriers to cross the border were discussed. It was decided that Laredo, Juarez, and Mexicali were the best suited. Japanese officials in the United States and Mexico were to get together and work out details of their intelligence nets, including contacts and exchanges on the border.

Of course all these arrangements presupposed that there would no longer be any overt Japanese officials left in the United States after the war started. Who then would comprise the underground intelligence nets in the United States which were to be controlled from Mexico?

A message from Tokyo to Mexico City answered at least part of that question. The message said, "In case the U.S. joins the war, we will endeavor to use our nationals there to our best possible advantage."

During the latter half of 1941, there was a steady stream of espionage messages with the requested information going back to Tokyo.

In Panama, the Japanese came up with secret charts of the fortifications of the Canal Zone. Other reports to Tokyo from Panama contained detailed information concerning the location of airfields, air strength, ammunition, location and camouflage of petroleum supply tanks, location and strength of our artillery patrols, radar detectors and the range, map procurement, and other matters, which the Joint Congressional Committee on the Investigation of Pearl Harbor observed would be of interest only if an attack on Panama were contemplated, because it was in such detail.

There is evidence in MAGIC which suggests that much of this information came from local Japanese recruited in Panama for espionage purposes. Money was to be paid to agents in Panama who came at night and watched and reported on ships.

In the United States, an espionage nugget was forwarded to Tokyo in September from the Los Angeles consulate. This was a detailed message concerning airplane production. Not only were each of the airplane plants in the Los Angeles area named specifically, but also listed was the size of orders filled by each plant, the exact numbers of employees, and the total expenditures for salaries.

In addition, the kinds of production at each plant by type of aircraft—that is P-38's, P-39's, DC-3's, and so on—were given, and whether these aircraft were designated for Great Britain or the United States. It was estimated by the Japanese that this data comprised 40 percent of the total aircraft production in the Los Angeles area, and 10 percent in the San Diego area.

The message is particularly interesting because the Japanese consulate in Los Angeles had previously reported that it had "connections with our second generations working in airplane plants for intelligence purposes."

The Joint Congressional Committee investigating the Pearl Harbor attack assessed the value of the espionage messages as follows:

> Washington authorities learned that Japanese spies and agents, directed by the Japanese Government, were collecting and transmitting to Tokyo an immense amount of exact and detailed information respecting military and naval installations.

When all this communications intelligence, this MAGIC, was coupled with other intelligence estimates of large numbers of potentially disloyal Japanese on the west coast, Roosevelt and his top aides had to be alarmed at the emerging picture, especially if the possibilities of sabotage were also contemplated.

It is impossible to believe that all this intelligence did not play a major role in the thinking of President Roosevelt and his key advisers.

Mr. Chairman, the Commission has misstated the functions, responsibilities and professional opinions of the United States intelligence community as it existed in late 1941 and early 1942. In its report, "Personal Justice Denied," there is a section entitled "Intelligence." No mention is made of MAGIC because the Commission was unaware of it. The section purports to present the intelligence data, its evaluation, and the recommendations of the intelligence community which were available to Roosevelt when he made his evacuation decision in February 1942. In this section, as in other areas of the report, the Commission repeats its theme that the people who had the intelligence responsibility were ignored when they opposed evacuation.

Who were these people, and what was the intelligence they possessed which the Commission says was reliable and should have been followed, but which Roosevelt chose to ignore and, instead, went the route of lack of political leadership, racism, and war hysteria?

The first source cited of the three given was a journalist named John Franklin Carter who reported directly to the President. His specialty was to "obtain information and estimates by exploiting sources outside the Government."

Most of Carter's information came from someone named Curtis B. Munson, who is extensively quoted in the Commission's report. Munson was "A well-to-do Chicago businessman who had gathered intelligence for Carter under the guise of being a Government official"—whatever that means.

It is difficult to take seriously the report's statement that this pair of amateurs and their methods was one of the best sources of intelligence available to the U.S. Government. After discussing the situation in some detail, Carter and Munson concluded that evacuation was unnecessary.

The second source cited by the report, "Personal Justice Denied," was a Lt. Comdr. K.R. Ringle of the Office of Naval Intelligence, who was assigned to the 11th Naval District located in Southern California. Ringle was a professional intelligence officer. The Commission relies heavily on him because he is the only military intelligence officer of any standing at all that the Commission was able to find who thought mass evacuation was not necessary.

But Ringle, surprisingly, also believed that staggering numbers of Japanese were potentially disloyal. In one estimate he felt that about 3 percent of the west coast Japanese might act as saboteurs or espionage agents—about 3,500 by his reckoning.

In another estimate, Ringle thought that only 75 percent of the American-born Japanese could be considered completely loyal. Presumably, this figure would be much lower for first generation Japanese, but even using the 75 percent figure across the board meant that there were almost 30,000 potentially disloyal Japanese, on the west coast, according to Ringle.

Nonetheless, Ringle thought the potentially dangerous Japanese could be identified through hearings and therefore mass evacuation was unnecessary.

Ringle was at the time a minor official and did not speak for the Office of Naval Intelligence.

The third source listed by the Commission as supporting its position is the Federal Bureau of Investigation. J. Edgar Hoover, then the FBI Director, felt that the situation could be handled without mass evacuation. However, uncharacteristically, Hoover thought his opinion should be balanced by his west coast field offices' views on evacuation. Los Angeles was noncommittal, San Francisco was dismissive, San Diego and Seattle were "vehemently favorable" to evacuation.

Thus, the Commission bases its conclusions regarding the prevailing intelligence attitudes on the private opinions of three individuals—Munson, Carter, and Ringle—and a badly divided FBI assessment—two civilians posing as Federal agents, a Lieutenant Commander who thought thousands of Japanese were potentially disloyal, and an FBI report——

Senator **Stevens**. Mr. Lowman, I've got to keep going with this hearing, I would like to know how much longer you think your statement is going to take?

Mr. **Lowman**. Could I have 5 minutes?

Senator **Stevens**. No. I would like you to finish in about 2 minutes.

Mr. **Lowman**. Very well. I will skip over then the views of the intelligence community as it was expressed.

Senator **Stevens**. We will print your statement as a whole. If you have some conclusions, those are what I would like to hear, sir.

Mr. **Lowman**. OK. I will be skipping over the intelligence reports which were submitted by the intelligence community.

I would like to address the addendum which the Commission wrote on MAGIC after they first learned of the existence of MAGIC.

Senator **Stevens**. You have a very interesting statement. I have been quite interested in it and you have been reading now for 25 minutes.

Mr. **Lowman**. Let me go to the conclusion then, and suffice it to say, that the addendum which the Commission wrote after it learned of the existence of MAGIC is filled with erroneous statements and conclusions, and I will go directly to the conclusion now, which will take me about 1½ minutes.

Mr. Chairman, the key civilian and military leaders of a nation at war personally were aware of MAGIC intelligence, including its source, nature, content and scope. MAGIC messages discussed here today, read in the context of 1941 and 1942, clearly portrayed a potentially dangerous and perhaps unmanageable situation on the west coast. There was genuine and legitimate cause for concern about the loyalty and actions of large numbers of resident Japanese aliens and Japanese-Americans.

Given the awesome responsibility President Roosevelt had, the military situation at that time, and the Japanese Government's apparent success in establishing vast espionage nets along the West Coast, designed to function in a wartime environment utilizing local Japanese nationals and Japanese-Americans, Roosevelt made an understandable decision, and he acted in good faith.

Hindsight information about an event that happened 40 years ago is not the issue here. The question is, did the leaders of the U.S. Government have before them at that time intelligence which would explain their decision in terms other than political opportunism, racial hatred and war hysteria?

The answer clearly is, yes, they did, and its name was MAGIC.

Mr. Chairman, my purpose here today has been to provide you with fully documented intelligence which was available and known to President Roosevelt when he made his decision to implement Executive Order 9066, information which was not provided in the Commission's report.

If the documentation which I have presented to you is accepted, the Commission's report, "Personal Justice Denied," and its addendum, insofar as its handling of the entire subject of intelligence is concerned, must be substantially revised. As it presently stands, it is incomplete, inaccurate and misleading.

To allow this unbelievably flawed report to be sanctified by the U.S. Congress, established in the National Archives as a model historical document, and sent out to schools across the Nation as a textbook, in its present form, would be an affront to historical integrity.

Mr. Chairman, that concludes my statement.

Senator Stevens. Thank you.

You opened your statement with a comment that you did believe that there were people who were, even in view of the statements you presented, improperly interned. How would you suggest Congress differentiate between those which were properly interned under the concept that you have set forth, in terms of intelligence and the situation that existed at that time for our National Government, and those who still were interned without any just reason for doing that?

Mr. Lowman. Mr. Chairman, I will answer your question if you insist. Really, I would prefer not to take a position on whether Roosevelt's actions were justified, or whether reparations are due.

The thrust of my entire testimony is to straighten out the historical facts, and not rewrite history in this report. There is room enough for the Japanese community to achieve its legitimate asperations and goals without rewriting history. My task here today has been really to call to the subcommittee's attention the fact that the history as shown in the Commission's report, insofar as intelligence is concerned, is a rewrite of history. It does not contain the actual facts at that time.

Senator Stevens. I thank you very much. I appreciate your response to my question too. Thank you, sir.

We will print your statement in full in the record. I apologize for not having the time to listen to it all.

Mr. Lowman. I would like if I may, to make a matter of record, the larger report, the footnoted report, which I turned in, as well as three intelligence reports which were generated at that time.[3]

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[3] The following documents submitted by the witness are on file with the subcommittee:

(1) Magic and the Japanese Relocation and Internment, by David D. Lowman. 45 pages.

(2) Memorandum of Brig. Gen. Mark J. Clark, U.S. Army, Feb. 12, 1942; subject: Enemy Aliens on the West Coast with attachment—Army Information Bulletin, No. 6, dated January 21, 1942; subject: Japanese espionage. 4 pages.

(3) Office of Naval Intelligence (14th Naval District) report and synopsis, dated Jan. 26, 1942; subject: Japanese Residents of the Territory of Hawaii, Loyalty of. 2 pages.

(4) Office of Naval Intelligence Report, dated Dec. 4, 1941; subject: Japanese Intelligence and Propaganda in the United States during 1941. 26 pages.

Senator **Stevens**. We will be happy to have them, sir.

Mr. **Lowman**. I have given them to the subcommittee.

Senator **Stevens**. Thank you very much.

[The prepared statement of Mr. Lowman follows:]

MAGIC AND THE JAPANESE EVACUATON AND INTERNMENT

Testimony of

DAVID D. LOWMAN
1221 Victoria Street
Honolulu, Hawaii 96814
(808) 537-2328

August 7, 1984

Mr. Chairman, I thank you for the opportunity to testify here today. My testimony this afternoon is a condensation of a much more complete statement which is fully documented and footnoted.

I would like to say that all of the materials that I am going to refer to today are in the public domain and are available to anybody.

At the outset, I would like to make it perfectly clear that I, too, feel that a grave injustice was done to many resident Japanese nationals and to many Japanese-Americans who lived on the West Coast in 1942, who were evacuated and interned solely on the basis of their ancestry.

My quarrel is with the Commission on Wartime Relocation and Internment of Civilians which, appointed to look into this tragedy, failed to disclose one of the major reasons why the United States Government felt that the implementation of Executive Order 9066 was necessary.

The Commission, in its report Personal Justice Denied, has misrepresented the prevailing intelligence opinion at that time, and was unaware of the most significant intelligence available to the United States on the subject which the Commission was charged to investigate.

For these reasons, the Commission's report contains a number of demonstratively wrong statements and erroneous impressions and conclusions.

Unknown to the Commission, Roosevelt had before him when he made his decision to evacuate ethnic Japanese from the West Coast the most important and authoritative intelligence available to the United States Government at that time on this issue, data from broken Japanese diplomatic codes and ciphers, cover named Magic. These intercepted messages indicated that the Japanese government was establishing large espionage nets on the West Coast utilizing both resident Japanese aliens and Japanese-Americans.

The fact that Magic was available at this crucial time was due to one of the most remarkable achievements of the war. U.S. cryptanalysts had succeeded by late 1940 in breaking all of the Japanese diplomatic codes and ciphers. Japanese messages sent in these systems were intercepted by U.S. Army and Navy radio intelligence units on a continuing basis. Included among the diplomatic communications were hundreds of reports dealing with espionage matters in the United States and its possessions.

The most comprehensive study ever made of events leading up to Pearl Harbor--hearings before the Joint Congressional Committee on the investigation of the Pearl Harbor attack, 39 volumes of hearings, published in 1946--examined every aspect of Magic in excruciating detail. It is the single most investigated subject in the study. The Joint Committee's conclusion: "Magic. . .contributed enormously to the defeat of the enemy, greatly shortened the war, saved many thousands of American lives," and it was "some of the finest intelligence in our history."

The information contained in these messages was so significant, and the fact that we had broken the code so sensitive, that distribution was severely limited. Magic intelligence was restricted to the Secretary of War, the Army Chief of Staff, Chief of Army War Plans, Director of Military Intelligence for the Army, the Secretary of the Navy, the Chief of Naval Operations, the Chief of Navy War Plans Division, Director of Naval Intelligence, the Secretary of State and the President of the United States.

However, limited distribution of Magic itself did not mean that the intelligence never left the tight circle of readers in Washington, D.C. The Army and Navy recipients in the Nation's Capital looked out for their field commanders. Normally, the data was passed on in a sanitized version--that is, the information was given out in a way which did not disclose its source.

I would like to point out to the committee some of the more important Japanese Government messages--at least for our purposes here--which are contained in the Department of Defense study published in 1977 entitled "The Magic Background of Pearl Harbor," eight volumes.

I wish to stress, however, that these volumes contain only a fraction of the Japanese Government's communications concerning its espionage activities on the West Coast and its involvement with resident Japanese nationals and Japanese-Americans. Unless the information had to be expedited for some reason, the Japanese officials would normally send it by diplomatic pouch or courier mail, because there was no danger then of the United States obtaining a copy of the enciphered message. If they sent it by cable, it was subject to being intercepted, something the Japanese attempted to avoid for particularly sensitive matters, as a routine precaution.

In fact, a June message from the Japanese Foreign Minister states, and I quote: "Needless to say, courier mail is a more secure method of transmitting information than reliance upon codes, so when there is some secret matter which might arouse a given nation, please send the message by courier mail." If there was anything designed to arouse the United States, it was certainly the specter of massive espionage nets being established on the Pacific Coast utilizing U.S. residents of Japanese ancestry. Frankly, I am surprised that we have the number of messages we do which were not time urgent and which could just as well have gone by pouch.

Everyone on Magic distribution during 1941 realized that what was being seen was only a portion of the actual flow. We had a small window on a very large scene. Nonetheless, what was available was sufficient to form a reasonable accurate picture of the scope, nature and success of the Japanese Government's espionage activities on the West Coast, as well as its involvement with Japanese-Americans and resident Japanese nationals.

In January of 1941, the Japanese Embassy and its consulate officials in the United States were instructed to start emphasizing intelligence acquisition rather than propaganda in order to be "prepared for the worst."

Following this, Tokyo issued detailed instructions to spy on U.S. aircraft plants and their output, movement of military supplies to Alaska and the Aleutian Islands, shipping activity, arms production, and any naval or army data of interest. Support was to be given to any group or organization which could be used to foment discord in the United States. Specifically mentioned, among others, were the Negro movement, labor unions, the Communist Party and anti-semitic organizations. Alterations to airports were to be reported. Any strengthening of the defenses on the Pacific Coast or in Hawaii was to be noted. Information was desired on merchant vessels, such as any deviations from regular schedules, any remodeling of the ships, or any special requisitions by the U.S. Government. Movement of troops to the South Pacific, information on drafting people into the Army and Navy, and the number of people graduating from aviation schools was wanted.

From time to time, these basic requirements would be supplemented by special requests for information.

To assist in this massive information-gathering project, agents were to be recruited. The agents were to include both resident Japanese nationals and American citizens of Japanese ancestry, as well as other ethnic groups. In recruiting Japanese second generation and resident nationals, Tokyo warned to use the utmost caution, lest "our people in the U.S." be subject to persecution.

In May 1941, Ambassador Nomura was instructed to appoint Secretary Terazaki to be in charge of coordinating Japanese intelligence in both North and South America. Every facility was to be granted for the efficient completion of his work.

In April, Tokyo instructed all the consulates to wire home lists of first and second generation Japanese according to specified categories. These data were to be compiled from the 1940 October census; but the Chicago consulate in its reply stated that its figures were based on the Annual Japanese Occupational Report, the 1936 Japanese census, the Yearly Status Report, and the Record of Movement of Japanese Nationals. Obviously, the consulates were maintaining comprehensive files and records on all ethnic Japanese in their area.

By May 1941, the Japanese Embassy discovered that espionage was an expensive proposition and asked Tokyo for a substantial increase in funds "for the purpose of employing nationals and foreigners."

A paternalistic attitude by the Japanese Government toward people of Japanese ancestry living in the United States is evident in many messages. They are referred to as "our second generation," "our resident nationals," and "our people." There are discussions about propaganda broadcasts and Japanese language newspapers--which, incidentally, were subsidized by Japan and depended on the Japanese news service, Domei, for their information. There were discussions about maintaining close relations with various organizations and societies all designed to keep the ethnic Japanese in the United States informed of the Tokyo point of view, and for the purpose of collecting intelligence from them.

In July 1941, there was a particularly alarming message from Mexico City to Tokyo. What this message said is that representatives of Japanese nationals living in Mexico agreed to abide by the decisions and follow the orders of the Japanese Embassy, and that command channels had been established within Mexico for the purpose of passing on Embassy orders to the Japanese population througout all of Mexico. In 1941, the implications involved in this message must have been very disturbing. The possibility that a similar arrangement might exist in the United States to some extent could not be ruled out.

This kind of close-knit family relationship evident in Japanese messages, which seemed to assume on the part of the Japanese Government that most Japanese, regardless of their status, would remain loyal to the homeland and the Emperor, had to be viewed with great apprehension by the recipients of Magic.

In May 1941, Japanese consulates on the West Coast reported to Tokyo that first and second generation Japanese had been successfully recruited and were now spying on shipments of airplanes and war material in the San Diego and San Pedro areas. They were reporting on activities within aircraft plants in Seattle and Los Angeles. Local Japanese were watching movements across the Mexican border. They were reporting on shipping activities at the Bremerton Naval Yard and were supplying inside information about labor unions. The Los Angeles consulate reported: "We shall maintain connections with our second generation who are at present in the Army to keep us informed of various developments in the Army." Seattle followed with a similar dispatch.

Earlier in 1941, Tokyo had decided that Mexico would be the fall-back position to control the espionage nets established in the United States.

In June and July, plans were initiated concerning communications between agents in the United States and control in Mexico City in the event of war. Land routes for couriers to cross the border were discussed. It was decided that Laredo, Juarez, and Mexicali were the best suited. Officials in the United States and Mexico--Japanese officials--were to get together and work out details of their intelligence nets, including contacts and exchanges on the border.

All these arrangements presupposed that there would no longer be any overt Japanese officials left in the United States after the war started. Who then would comprise the underground intelligence nets in the U.S. which were to be controlled from Mexico? A message from Tokyo to Mexico City answered at least part of that question. The message said, "In case the U.S. joins the war, we will endeavor to use our nationals there to our best possible advantage."

During the latter half of 1941, there was a steady stream of espionage messages with the requested information going back to Tokyo.

In Panama, the Japanese came up with secret charts of the fortifications of the Canal Zone. Other reports to Tokyo from Panama contained detailed information concerning the location of airfields, air strength, ammunition, location and camouflage of petroleum supply tanks, location and strength of our artillery patrols, radar detectors and the range, map procurement and other matters, which the Joint Congressional Committee on the investigation of Pearl Harbor observed would be of interest only if an attack on Panama were contemplated because it was in such detail. There is evidence in Magic which suggests that much of this information came from local Japanese recruited in Panama for espionage purposed.

In the United States, an espionage nugget was forwarded to Tokyo in September from the Los Angeles consulate. This was a detailed message concerning airplane production. Not only were each of the airplane plants in the Los Angeles area named specifically, but also listed was the size of orders filled by each plant, the exact numbers of employees, and the total expenditures for salaries. In addition, the kinds of production at each plant by type aircraft--that is P38's, B-39's, DC-3's, and so on--were given and whether these aircraft were designated for Great Britain or the United States. It was estimated by the Japanese that this data comprised 40 percent of the total aircraft production in the Los Angeles area and 10 percent in the San Diego area. The message is particularly interesting because the Japanese consulate in Los Angeles had previously reported that it had "connections with our second generations working in airplane plants for intelligence purposes."

The Joint Congressional Committee investigating the Pearl Harbor attack assessed the value of the espionage messages as follows: "Washington authorities learned that Japanese spies and agents, directed by the Japanese Government, were collecting and transmitting to Tokyo an immense amount of exact and detailed information respecting military and naval installations."

When all this communications intelligence, this Magic, was coupled with other intelligence estimates of large numbers of potentially disloyal Japanese on the West Coast, Roosevelt and his top aides had to be alarmed at the emerging picture, especially if the possibilities of sabotage were also contemplated. It is impossible to believe that all this intelligence did not play a major role in the thinking of President Roosevelt and his key advisers. The foreward of the Department of Defense study, The "Magic" Background of Pearl Harbor, concludes prophetically with the sentence, "Scholars no doubt will find new challenges in this voluminous intelligence information as they examine not only the decisions made by the U.S., but also the intelligence which influenced and occasionally prompted those decisions."

The well-know historian John Costello in his excellent book, The Pacific War, has no doubts of the role of Magic in Roosevelt's decision. He states unequivocally, "The rising current of fear on the West Coast, and the evidence from the Magic intercepts the previous year of espionage organizations had been important factors in the President's decision to sign Executive Order 9066."

Mr. Chairman and members of the committee, the Commission has misstated the functions, responsibilities and professional opinions of the United States intelligence community as it existed in late 1941 and early 1942. In its report, Personal Justice Denied, there is a section entitled "Intelligence." No mention is made of Magic because the Commission was unaware of it. The section purports to present the intelligence data, its evaluation, and the recommendations of the intelligence community which were available to Roosevelt when he made his evacuation decision in February 1942. In this section, as in other areas of the report, the Commission repeats its theme that the people who had the intelligence responsibility were ignored when they opposed evacuation.

Who were these people, and what was the intelligence they possessed which the Commission says was reliable and should have been followed, but which Roosevelt chose to ignore and, instead, went the route of lack of political leadership, racism, and war hysteria?

The first source cited of the three given was a journalist named John Franklin Carter who reported directly to the President. His specialty was to "obtain information and estimates by exploiting sources outside the government." Most of Carter's information came from someone named Curtis B. Munson, who is extensively quoted in the Commission's report. Munson was a "a well-to-do Chicago businessman who had gathered intelligence for Carter under the guise of being a government official" --whatever that means. It is difficult to take seriously the report's statement that this pair of amateurs and their methods was one of the best sources of intelligence available to the United States Government. After discussing the situation in some detail, Carter and Munson concluded that evacuation was unnecessary.

The second source cited by the report, Personal Justice Denied, was a Lt. Commander K. R. Ringle of the Office of Naval Intelligence, who was assigned to the 11th Naval District located in Southern California. Ringle was a professional intelligence officer. The Commission relies heavily on him because he is the only military intelligence officer of any standing at all that the Commission was able to find who thought mass evacuation was not necessary.

But Ringle, surprisingly, also believed that staggering numbers of Japanese were potentially disloyal. In one estimate he felt that about 3 percent of the West Coast Japanese might act as saboteurs or espionage agents--about 3,500 by his reckoning. In another estimate, Ringle thought that only 75 percent of the American-born Japanese could be considered completely loyal. Presumably, this figure would be much lower for first generation Japanese, but even using 75 percent figure across the board meant that there were almost 30,000 potentially disloyal Japanese, according to Ringle. Nonetheless, Ringle thought the potentially dangerous Japanese could be identified through hearings and, therefore, mass evacuation was unnecessary. Ringle was at the time a minor official and did not speak for the Office of Naval Intelligence.

The third source listed by the Commission as supporting its position is the Federal Bureau of Investigation. J. Edgar Hoover, then the FBI Director, felt that the situation could be handled without mass evacuation. However, uncharacteristically, Hoover thought his opinion should be balanced by his West Coast field offices' views on evacuation. Los Angeles was noncommittal, San Francisco was dismissive, San Diego and Seattle were "vehemently favorable" to evacuation.

Thus, the Commission bases its conclusions regarding prevailing intelligence attitudes on the private opinions of three individuals--Munson, Carter and Ringle--and a badly divided FBI assessment - two civilians posing as federal agents, a Lt. Commander who thought thousands of Japanese were potentially disloyal, and an FBI report with Hoover riding the fence. This is what Roosevelt is accused of ignoring in making his evacuation decision.

On the other hand, supporting evacuation--or at least not opposing it--were the Secretary of War, the Army Chief of Staff, the Director of Military Intelligence, the Secretary of the Navy, the Chief of Naval Operations, the Director of Naval Intelligence, and the Chiefs of Army and Navy Plans--probably the most elite group in the American power structure of the day. These were the people the nation called upon to defend their country and to prosecute the war. It was from this group that Roosevelt received his advice on national defense. Again, all of the people just named, along with the President, regularly received Magic intelligence.

Ringle, Munson and Carter were totally unaware of Magic. Even J. Edgar Hoover was not on distribution.

In assessing the U.S. intelligence posture in 1941 and early 1942, the Commission was totally unaware of the role of the Office of Naval Communications and the Army's Signal Intelligence Service. The Joint Congressional Committee investigating the Pearl Harbor attack described them as follows:

"With extraordinary skill, zeal and watchfulness, the intelligence services of the Army Signal Corps and the Navy Office of Naval Communications broke Japanese codes and intercepted messages between the Japanese Government and its spies and agents and embassadors in all parts of the world and supplied the high authorities in Washington with reliable secret information respecting Japanese designs, decisions, and operations at home, in the United States, and in other countries."

Also ignored in the Commission's report are the military intelligence officials responsible for handling and evaluating intelligence on the threat posed by ethnic Japanese on the West Coast. Admiral Wilkinson, Director of the Office of Naval Intelligence, is mentioned once in the report as one of several people attending a meeting. Admiral Turner, responsible for U.S. Navy intelligence assessments, including Japanese espionage on the West Coast, is not mentioned at all; nor is General Miles, Director of Military Intelligence for the Army.

Incredibly, also apparently overlooked by the Commission are both Army and Navy intelligence bulletins which were given extensive distribution warning of Japanese espionage activities on the West Coast. Three days before the attack on Pearl Harbor, the Office of Naval Intelligence published a 26-page report detailing Japanese intelligence and propaganda activities during 1941, which the Office of Naval Intelligence said had culminated in "an intelligence machine geared for war," in operation, and utilizing resident West Coast Japanese.

On 21 January 1942, more than six weeks after Pearl Harbor, Army intelligence, with ONI input, issued a bulletin on the existence of operational Japanese espionage networks on the West Coast. This report stated flat out that the Japanese Government's espionage net containing Japanese aliens, first and second generation Japanese and other nationals is now thoroughly organized and working underground. Still another ONI report in January 1942 described how two Japanese-Americans had sided with a Japanese zero pilot in Hawaii during the Pearl Harbor attack, and raised questions on the loyalty of all Japanese-Americans.

Presumably oblivious to all the foregoing, the Commission ends its section on intelligence as follows: "Stronger political forces outside of the intelligence services wanted evacuation. Intelligence opinions were disregarded or drowned out." The intelligence opinions they are talking about were Carter, Munson, Ringle and a divided FBI report. It was the Commission that ignored the actual views of the intelligence community and the intelligence which shaped its opinions.

This kind of misrepresentation of the intelligence community is embedded throughout the Commission's report, and it is wrong.

Numerous books and studies have been released on Magic. It is the single most discussed topic in the Pearl Harbor inquiry. Practically every history book concerning the Pacific War published in the last four decades has at least one chapter on Magic. But somehow, even after devoting almost three years of research, the Commission on Wartime Relocation and Internment of Civilians managed to overlook it. Stung by my charge in the New York Times in May 1983 pointing out this omission, the Commission issued an addendum to its basic report in June of 1983. Filled with inaccuracies and wrong assumptions, the addendum offers proof only that Magic analysts--that is to say communications analysts--are not created in one month.

Basically, the Commission's addendum makes two points--both wrong: one, that Magic confirms the views expressed in its report Personal Justice Denied; and two, that Magic intelligence data was not every secret, nor important, nor very reliable.

The first point is overwhelmingly contradicted by the Magic messages themselves. For example, Magic totally refutes the Commission's views on page 60 of its report that "there was no knowledge or evidence of organized or individual Nisei spying,". And on page 50 of its report, I quote, "the government has conceded at every point that there was no evidence of actual sabotage, espionage or fifth column activity among the people of Japanese discent on the West Coast in February 1942." The Office of Naval Intelligence, the G-2 of the Army, the Secretary of

State, the President and others, would have been surprised to have learned that the government had conceded that there was no such evidence. These statements by the Commission are simply not true.

The fact is that the cumulative effect of Magic and other intelligence by the time of the attack on Pearl Harbor presented to the U.S. Government the frightening specter of massive espionage nets, utilizing large numbers of ethnic Japanese living on the West Coast of the United States, established and controlled by the Government of Japan.

On the second point, the value of Magic, the findings of the joint congressional inquiry bear repeating. Magic..."was some of the finest intelligence in our history," and the U.S. code breakers "supplied the high authorities in Washington with reliable secret information respecting Japanese...operations in the United States" from "intercepted messages between the Japanese Government and its spies and agents."

The addendum makes an issue out of one of the cables directing recruitment of agents, pointing out that groups other than Japanese were to be recruited, and that these groups are listed first in the cable. This hardly nullifies the instructions to recruit first and second generation Japanese.

A point is made in the addendum that Roosevelt did not see Magic cables from May until November. This is grasping at a technical distribution-and-form decision. The implication is that Roosevelt was unaware of Magic during this period. The facts are that in every one of these months, the President either saw the cables, was briefed on them, or was given gists of the messages or received some combination of the above.

The Commission makes the statement on page 4 of the addendum that "of course, information could be transmitted by methods other than Magic codes, but there is considerable room to doubt that any program of this sort was fulfilled." Absolutely wrong. I have already explained that the normal practice was to send information of this type by diplomatic pouch rather than in coded radio traffic. In fact, the Japanese consuls were under specific direction from the Foreign Minister not to send this kind of information by cable if it could be voided. The Magic cables in our possession were only the tip of the iceberg. Roosevelt and his advisers were well aware of that fact.

Mr. Chairman and members of the committee, the key civilian and military leaders of a nation at war personally were aware of Magic intelligence, including its source, nature, content and scope. Magic messages discussed here today, read in the context of 1941 and 1942, clearly portrayed a potentially dangerous and perhaps unmanageable situation on the West Coast. There was genuine and legitimate cause for concern about the loyalty and actions of large numbers of resident Japanese aliens and Japanese-Americans.

Given the awesome responsibility President Roosevelt had, the military situation at that time, and the Japanese Government's apparent success in establishing vast espionage nets along the West Coast designed to function in a wartime environment utilizing local Japanese nationals and Japanese-Americans, Roosevelt made an understandable decision.

Hindsight information about an event that happened 40 years ago is not the issue here. The question is, did the leaders of the U.S. Government have before them at that time intelligence which would explain their decision in terms other than political opportunism, racial hatred and war hysteria? The answer clearly is yes, they did, and its name was Magic.

Mr. Chairman, my purpose here today has been to provide you with fully documented intelligence which was available and known to President Roosevelt when he made his decision to implement Executive Order 9066, information which was not provided in the Commission's report. If the documentation which I have presented to you is accepted, the Commission's report, Personal Justice Denied, and its addendum, insofar as its handling of the entire subject of intelligence is concerned, must be substantially revised. As it presently stands, it is incomplete, inaccurate and misleading. To allow this unbelievably flawed report to be sanctified by the U.S. Congress, established in the National Archives as a model historical document, and sent out to schools across the nation as a textbook, in its present form, would be an affront to historical integrity.

SUPPLEMENTARY STATEMENT
BY DAVID D. LOWMAN
ON
MAGIC AND THE JAPANESE
RELOCATION AND INTERNMENT

1 September 1984

During the hearings on S 2116 which were conducted in Los Angeles on 16 August 1984 by Senator Steven's subcommittee on Civil Service, Post Office and General Services, a Lt. Col. John Herzig, U.S. Army (Ret) testified that some of the statements which I made concerning Magic and certain intelligence reports were inaccurate and misleading. In the introduction of the report Personal Justice Denied put out by the Commission on Wartime Relocation and Internment of Civilians, Jack Herzig and Aiko Herzig Yoshinaga are given special thanks for their roles in compiling the report. I assume from this that Lt. Col. Herzig's particular interest in my testimony stems from that association.

The charges are easily countered, and I have done so. But the Commission (and its spokesman) would be well advised to accept the realities of the intelligence it "overlooked" and amend its report accordingly rather than to attack those who pointed out this oversight.

Initially, there was some question in my mind whether I should undertake to answer Lt. Col. Herzig's accusations since much of his testimony could be readily contradicted by a careful reading of my statement, and most of the remainder by checking my references.

How much time, for example, should I spend re-documenting the original Magic distribution list drawn up by General Marshall and Admiral Stark in January 1941, and then explaining that as time went on the list kept expanding both officially and unofficially?

Should I take the time to explain that the President's military aide, General Watson, who I am accused of omitting from the list, was part of the delivery system to the President and, of course, was privy to Magic as were all the people who delivered and decoded the messages and translated them?

I am called mistaken because I refer to certain Magic messages as espionage messages. Should I become entangled in a semantic argument and write a reference paper, fully documented, pointing out that the Joint Congressional Committee, Gordon Prange, Roberta Wohlstetter, John Costello, and other historians also fefer to these same cables as espionage messages?

Am I obliged to explain to Lt. Col. Herzig that while it is indeed cheaper to send a message by diplomatic pouch than by commercial cable, aircraft movements which, while they may be of marginal importance only, are even less so when delivered a week or more later, and therefore would be sent by cable?

In spite of the redundancy of re-citing my sources, I am assured by those who profess to know such things, that I must show some interest in rebutting Lt. Col. Herzig's charges.

Very well, calling attention to what I actually said and submitted to the Hall subcommittee of the House Judiciary Committee in Wash., D.C. on 27 June 1984 will dispose of a number of charges.

First, I am quoted as saying that the evacuation and internment of people of Japanese ancestry was "warranted" and "justified" by the Magic messages, and that the messages "proved" disloyalty by some Japanese. Not so. What I said is that Roosevelt must have taken these messages into consideration when he made his evacuation decision and that in view of all the intelligence before him, he made an "understandable" decision. I have never claimed that Magic messages proved disloyalty by any individuals. I have said the messages indicated that large numbers of Japanese might be disloyal in view of the Japanese government's apparent success in establishing espionage nets on the West Coast utilizing resident Japanese. In any event, what counted was what Roosevelt and his key advisers perceived the situation to be, not what we debate it to be today.

For all kinds of ulterior motives I am accused of submitting only a portion of an ONI report dated 4 December 1941. My testimony states that the entire report was submitted to the subcomittee for record. It was duly accepted by the subcommittee and recorded in its entirety.

It is said that I quoted an unidentified Professor Jeffrey H. Dowart as my authority that Admirals Stark, Turner, and Wilkinson probably supported the official position which was evacuation. If the Lt. Col. will look at the bibliography of my submission, he will learn that Professor Dowart is the author of The U.S. Navy's Intelligence Dilemma 1919-1945 published by the Naval Institute Press, Annapolis, 1983.

On page 8 Lt. Col. Herzig states "The Commission in its four references to Cmdr. Ringle did not state as Mr. Lowman charges, that he spoke for the Office of Naval Intelligence (Lowman, p. 26)." Read with comprehension, Colonel, and you will save all of us a lot of time and effort. What I said was: "Ringle was at the time a minor official and did not speak for ONI." Nowhere in my statement did I "charge" that the Commission said that Ringle spoke for ONI. Anything but. None of Ringle's proposals on evacuation were accepted by the Navy.

Let me now deal with a variety of other charges given in Lt. Col. Herzig's testimony before the Steven's Subcommittee on 16 August 1984.

(1) Herzig, P. 10. "Not one of the secondary sources Mr. Lowman has used establishes any connection between Magic and the Japanese relocation and internment." Not true. See Costello, The Pacific War, p. 613. "It is possible to speculate that Roosevelt's decision to intern the Nisei population in midwestern camps was based on the evidence that these Magic diplomatic intercepts gave of Terasaki's extensive network of informants...."

(2) Herzig, P. 9. Quoting from Forest C. Pogue: "The relevance of Mr. Lowman's particular reference and his noting that General Marshall 'was an old and close friend of DeWitts' hardly bears on the central issue of loyalty of Japanese Americans." The left-out part of Pogue's statement by Herzig is that in the past Marshall had relied heavily on DeWitt. The relevancy is Marshall's view of evacuation.

(3) Herzig, P. 12. "Nowhere in Wohlstetter's book is reference made to espionage, sabotage, fifth column activity or other subversive acts by Japanese Americans." See Roberta Wohlstetter, Pearl Harbor Warning and Decision, page 211, section titled Espionage Messages (yes, she uses the term "espionage"). Ms. Wohlstetter's sole interest is the attack on Pearl Harbor, and although she does mention espionage messages coming from the West Coast it is only in connection with the Pearl Harbor attack. If her subject were the Japanese evacuation, I think it is fair to assume that she would mention those espionage messages associated with that event. As a major historian she obviously was aware of the espionage messages and their content.

(4) Herzig, P. 7. "Dr. Trask appeared before the House subcommittee, this time as Chief Historian, U.S. Army Center of Military History. When asked by Chairman Sam Hall about Magic, this official stated that he had no reason to believe that the contents of Magic had an impact on the decision to expel persons of Japanese ancestry from the west coast." Lt. Col. Herzig was present during Trask's testimony and heard Chairman Hall attempt to pursue Trask's statement, whereupon Trask stated that he had little or no information on Magic and could not testify on the subject. How convenient to leave out this part.

(5) Herzig, P. 4. "In 104 pages of testimony Mr. McCloy made no mention of Magic in connection with the exclusion and detention of Nikkei. Neither did he present any statement to support Mr. Lowman's claim that information from Magic provided evidence that the security of the U.S. from acts of espionage, sabotage, treason, sedition or subversion was threatened by Japanese Americans and, therefore, that their removal was warranted." I have already pointed out the erroneous use of the word "warranted." During the Hall Subcommittee hearings on 21 June 1984, John S. McCloy testified that Secretary of War Stimson had cleared him for Magic. This statement is used by Herzig to illustrate my supposed lack of knowledge on Magic distribution since McCloy was not included by me on the original distribution list (and he was not on it), but the rest of McCloy's testimony is ignored. McCloy also stated unequivocally that Roosevelt read the Magic messages and that they were a factor in Roosevelt's decision. Lt. Col. Herzig was present during this testimony.

(6) Herzig, P. 15. "The record shows that the Commission was aware of MAGIC but that there was no connection between MAGIC and the decision concerning the loyalty of Japanese Americans." See N.Y. Times article of 27 May 1983, page 18, bearing the title "1941 CABLES BOASTED OF JAPANESE AMERICAN SPYING" stating:

"The Commission Chairman, Joan Z. Bernstein, the Commission Consul Angus MacBeth, and the Rev. Robert Drinan, a Commission member, said they had not been aware of the decoded cables."

Lt. Col. Herzig's line-by-line scrutiny should, however, not go unrewarded. In two of his charges he is technically correct.

(1) Herzig, P. 8, footnote 3: "There was no Director of Military Intelligence. Mr. Lowman was probably referring to the Assistant Chief for Intelligence (G-2) War Department." Correct. Additional titles used were Chief, Military Intelligence Division, and Director of Military Intelligence for the Army, all the same man, Sherman Miles. I said Director of Military Intelligence, leaving off "for the Army." My mistake. (Lewin, in The American Magic makes the same mistake, so at least I am in good company.)

(2) Herzig, P. 6. "In describing this memo Mr. Lowman claims that General Clark states '...that G-2 has a copy' when in fact the document clearly reads 'I am sure that G-2 of the Western Defense Command has all this information.' Gen. Clark did not say that WDC has a copy." The criticism is correct. I assumed that an intelligence report concerning the WDC area would be sent to the WDC, and this thinking was reinforced by General Clark saying

he was sure the WDC had the information (report?). (And I'll bet they did have it.)

Insofar as the Magic cables themselves are concerned, I am not going to get into a cable-by-cable debate. Lt. Col. Herzig has some unique interpretations of the meanings of some of the messages. I simply took them at their face value. I supposed that when a Japanese consulate on the West Coast after having been instructed to recruit local Japanese for espionage reported to Tokyo that:

> "We have already established contacts with absolutely reliable Japanese in the San Pedro area and San Deigo area, who will keep watch on all shipments of airplanes and other war materials, and report the amounts and destinations of such shipments"
>
> and
>
> "We also have connections with our second generations working in airplane plants for intelligence purposes"

that this meant that local Japanese had been recruited. But Lt. Col. Herzig on P. 11 says no, taken in full context the message does not say what was done, but what the consulate hopes will happen. Again, what matters is what Roosevelt and his advisers throught the messages meant in the context of that time. The messages themselves are the best evidence of what they say and what they mean. If the reader desires to pursue this subject further, he should read the messages and make his own judgement.

Much of Lt. Col. Herzig's testimony is a re-statement of positions taken by the Commission's report that there was no intelligence available to President Roosevelt and his key advisers when E. O. 9066 was signed which would indicate that there was an espionage problem with resident Japanese on the West Coast. To support this he cites testimony given before the Commission by an impressive array of witnesses. As Lt. Col. Herzig states, Magic cables were not referred to by any of them during these hearings. That is the problem. If the Commission had interviewed people concerned with this area of intelligence or had researched the Joint Congressional study or any of several histories or talked to historians specializing in this field, it would have discovered that there were Magic cables and intelligence reports stating that West Coast Japanese were involved in espionage. The fact that the Commission's witnesses didn't mention Magic is used as evidence to attack my credibility. But I didn't invent the Magic cables or the intelligence reports involved. I'm not the one attempting to re-write history.

My only role in this matter is to call attention to intelligence available to the President which would indicate that he did have legitimate cause for concern about the loyalty of large numbers of Japanese living on the West Coast in 1942, information which was not provided by the Commission which was charged to investigate this issue.

It was, after all, the U.S. Government which made the Magic messages available to the public, and the Joint Congressional Committee, not I, which said:

> "Through the exploitation of intercepted and decoded messages between Japan and her diplomatic establishments, the so-called Magic, a wealth of intelligence concerning the purposes of the Japanese was available in Washington." (P. 179, Report of the JCC).
>
> "Magic...contributed enormously to the defeat of the enemy, greatly shortened the war, and saved many thousands of lives." (P. 232, Report of the JCC).
>
> Magic "was some of the finest intelligence available in our history." (P. 253, Report of the JCC).
>
> "Washington authorities learned that Japanese spies and agents, directed by the Japanese Government, were collecting and transmitting to Tokyo an immense amount of exact and detailed information respecting the military and naval installations..." (P. 525, Report of the JCC).
>
> "With extraordinary skill, zeal and watchfulness the intelligence services of the Army Signal Corps and the Navy Office of Naval Communications broke Japanese codes and intercepted messages between the Japanese Government and its spies and agents and ambassadors in all parts of the world and supplied the high authorities in Washington with reliable secret information respecting Japanese designs, decisions, and operations at home, in the United States, and in other countries." (P. 514, Report of the JCC).

Nor was it I who issued intelligence reports just prior to and just after Pearl Harbor stating that there were espionage nets utilizing local Japanese on the West Coast. It was ONI on 4 December 1941 which said Japanese intelligence activities during 1941 had culminated in "an intelligence machine geared for war," in operation, and utilizing West Coast Japanese. It was an ONI report on 26 January 1942 which concluded there was a likelihood "that Japanese residents, previously believed loyal to the United States, may aid Japan if further Japanese attacks appear successful." And it was an army intelligence report on 21 January 1942 which concluded that "their espionage net containing Japanese aliens, first and second generation Japanese and other nationals is now thoroughly organized and working underground."

All the above is at odds with the Commission's report. It is this material with which the Commission must cope, not me. Rather than attacking me for calling the attention of Congress to this "overlooked" intelligence, the Commission ought to be expending its energy adjusting its report to accomodate for the realities of this intelligence. The legitimate desires of all those concerned with the issue of Japanese evacuation and internment must be achieved within the limits of historical accuracy.

Senator STEVENS. Our next witness is Mr. Henry Kane.

TESTIMONY OF HENRY KANE, ATTORNEY, BEAVERTON, OR

Mr. KANE. Mr. Chairman, because there was ample national security justification in 1942 for evacuation, relocation and internment, the committee should reject the purported findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The second reason for rejecting the findings and tabling S. 2116 is that the Commission and its staff were biased in favor of "reparations, did not conduct an impartial or proper inquiry, and ignored evidence contrary to said bias."

This private citizen thanks you, the committee, for the opportunity to give the other side of an issue obscured by distortion, emotionalism and propaganda, some four decades after the fact, and after most of the actors and most of the people intimately involved in wartime emergency decisions are no longer alive, or are no longer available to defend themselves, or the United States.

My interest is that of a private citizen who seeks to defend against unjustified attacks on a Democratic President—Franklin Delano Roosevelt—a Republican Secretary of War—Henry Stinson—and others who are no longer alive to defend their good names and reputations.

I also propose to speak in defense of the wartime Congress that authorized the evacuation from a threatened Pacific Coast war zone open to enemy attack.

Senator Stevens, you represent the State of Alaska which was invaded in 1942 by the enemy forces, the Imperial Japan, and many citizens, Aleut Indians, were evacuated and suffered.

I reside in Oregon, whose Fort Stevens at the mouth of the Columbia River was attacked by a Japanese submarine shortly after Pearl Harbor. And as late as January 1945, a Japanese "balloon bomb" killed a Sunday School teacher and five children on the southern Oregon Coast near Brookings, OR, immediately North of the California-Oregon boundary.

Oregon was part of the threatened Pacific Coast war zone when the evacuation was ordered as a matter of military necessity. Largely overlooked and ignored was that not all of the evacuees were loyal. In fact thousands were actively disloyal.

Also obscured is the distinction between enemy nationals—about half of those evacuated, relocated and/or interned, and U.S. citizens of Japanese ancestry. They may have been evacuated and/or relocated, but only security risks were imprisoned as security risks.

My first contact with the issues raised by the Commission findings and recommendations came in 1946 in Tokyo, Japan, while I was a reporter and staff correspondent on Pacific Stars and Stripes, the Army daily newspaper published in Tokyo for the U.S. Armed Forces in the Pacific.

During that period I came across a number of persons of Japanese ancestry who during World War II renounced their American citizenship in favor of their dual Japanese citizenship, because Japan refused to accept further reparation. They sat out the war in perfect safety, and then were repatriated in 1946. *Korematsu* v.

United States, the U.S. Supreme Court decision said at 323 U.S. 220, and I quote:

> That there were members of the group who retained loyalties to Japan has been confirmed by investigations made subsequent to the exclusion. Approximately 5,000 American citizens of Japanese ancestry refused to swear unqualified allegiance to the United States and to renounce allegiance to the Japanese Emperor, and several thousand evacuees requested reparation to Japan.

The average World War II veteran is 65. Many of them are not alive, they didn't survive World War II, but the contemporary record of fighting in the South Pacific, which I missed fortuitously, shows that there were many enemy soldiers speaking perfect colloquial American, the kind of American that is learned by being born here—not learned out of a book.

Because of my knowledge and interest, U.S. District Judge Robert C. Belloni of Oregon granted my motion to be amicus curiae in the reparations case of *Minoru Yasui* v. *USA*, USDC Oregon, Civil No. 83-151.

Yasui is one of the people who went up to the Supreme Court. He was a paid propagandist for Imperial Japan. We were both graduates of the same University of Oregon. He had dual citizenship, and to my knowledge he never renounced it.

Judge Belloni dismissed the case, Yasui appealed, and the Government's motion to dismiss the appeal is pending before the U.S. Court of Appeals for the 9th Circuit in San Francisco, Case No. 84-3730.

Attached as exhibit A is my letter to your chief clerk summarizing my testimony.[4]

I have submitted a large number of documents with the hope that at least a number of them will be made exhibits in the permanent record so that when the U.S. Senate votes—if it does—on this bill, it will see among other documents, a letter dealing with the active disloyalties of the people in one internment camp, and other activities that supported the evacuation.[5] The whole problem could have been avoided and this hearing would not be held if the Japanese community had simply accepted the offer of the U.S. Government, "Please relocate at your own wish, go to wherever you want, and we will pay for it."

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[4] See p. 368.

[5] The following documents submitted by the witness are on file with the subcommittee:

Exhibit B: Three documents in *Minoru Yasui* v. *United States of America:*

(1) Motion for Leave to Participate as Amicus Curiae and to Set Briefing Schedule on Motion, Oral Argument Requested, 19 pages, including affidavit, exhibit A, May 1, 1983, Parade magazine article titled "Never Shoot a Hawaiian Three Times," and exhibit B, September 1983 National Geographic magazine, page 345.

(2) Petitioner's Jan. 12, 1984, Reply Brief, Affidavit and Exhibits in Support of Motion for Leave to Participate as Amicus Curiae, 99 pages, including affidavit and exhibits. Exhibits include a Dec. 12, 1983, letter to E.W. Barry, president, Oxford University Press, re a book by Peter Irons titled "Justice at War," excerpts from "Personal Justice Denied," report of the Commission on Wartime Relocation and Internment of Civilians, excerpts from book by David Bergamini titled "Japan's Imperial Conspiracy/How Emperor Hirohito Led Japan Into War Against the West," Sept. 30, 1983, letter from the Federal Bureau of Investigation stating that it had no records of a break-in into the Japanese Consulate in Los Angeles, CA, in 1941, but had 1,157 pages available for release on Itaru Tachibana; excerpts from James Oda's "Heroic Struggles of Japanese Americans;" excerpts from a 1945 California Senate report on "Japanese Problems in California" and excerpts from a book by Kesa Noda titled "Yamato Colony: 1906-1960."

(3) Petitioner's Jan. 16, 1984, Supplemental Affidavit and Exhibits in Support of Motion for Leave to Participate as Amicus Curiae, 6 pages, including Jan. 16, 1984, Oregonian article titled "Did Japanese plan invasion of Hawaii?"

(4) Jan. 17, 1984. Brief, Motion and Affidavit of Henry Kane, Amicus Curiae, 32 pages, including letter on *United States* v. *Minoru Yasui,* 48 F.Supp. 40 (D.Or. 1942), and *Minoru Yasui* v. *United States,* 320 U.S. 115 (1943), and a Jan. 19, 1945, U.S. Department of Justice letter to heads of Japanese organizations at Tule Lake Center, Newall, CA.

Quite a few thousand did. Some went to these relocation camps and checked in and then left. Many of them who could have left preferred to stay.

I point out that my attachments support my position; that the Commission report contains so many errors of fact and omission as to findings and recommendations to be rejected.

The Commission ignored numerous facts known to President Roosevelt and a few of his top advisers, but not known to the public and low level officials such as, with all respect, Commander Ringle, an espionage ring operating out of the Japanese consulate in Los Angeles and broken by a Watergate type burglary that Commander Ringle discussed. The Washington Post had an article on it, and those were not all aliens who were operating on the West Coast.

Intercepted MAGIC messages.

Three, prior to Pearl Harbor, virtually the entire community of Americans of Japanese ancestry and Japanese-born aliens residing in the United States, financially and otherwise, supported Japanese aggression in China.

One of the documents I could have brought, but is referred to, is a big story in the Oregonian, a big picture of a Japanese war bond which had been buried in the field by an internee, an alien, who was helping finance Japanese aggression in China.

Four, on December 7, 1941, a Japanese pilot who had taken part on the attack on Pearl Harbor crash-landed on the Hawaiian Island of Niihau, and was aided by a Japanese-American—Yoshio Harada. Exhibit C is a true copy of the May 1, 1983 Parade Magazine article titled, "Never Shoot a Hawaiian Three Times" and states in part:

"But Harada, who had dual U.S.-Japanese citizenship, soon allied himself with Nishikaichi. Harada shot himself."

There is the article which is also referred to in other material submitted by other speakers.

Now, the President presumably knew about this incident, certainly his top advisers, and what is the significance, when the first Japanese-American had a choice—remember, they had dual citizenship—allies himself with an enemy, and then of course there is the famous *Kawakita* case which is largely forgotten.[6] It happened a long time ago and it illustrates my point that contemporaneous documents, contemporaneous information, is more valid—and this is true among scholars—than after-the-fact by people who were not there or did not have access.[6]

Five, persons of Japanese ancestry in the Philippines during the invasion of the Islands donned Japanese Army uniforms, aided the enemy, and assumed leading roles in the Occupied Government of the Philippines. Similar acts involving persons of Japanese ancestry occurred in other nations invaded by Japan.

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[6] *Tomoya Kawakita* v. *United States*, 343 U.S. 717 (1952).

One of the documents I have deals with a book by an American citizen, a Caucasian born in Japan, speaking perfect Japanese because he has learned it as a native, who was interned by the enemy in the Philippines. The book is entitled "Japan's Imperial Conspiracy: How Emperor Hirohito Led Japan Into War Against the West" by David Bergamini, and it says in part, at page 433,

> In the Philippines when the Japanese Army arrived in 1941, U.S. colonials would be surprised to find that Filipino carpenters and masons of Japanese birth stepped immediately into high positions of authority in the Japanese occupation governments. In Baguio where the author and his family were captured, a chain of command within the Japanese community would spring into being or be activated even before the arrival of the first Japanese occupation forces.

I submit that since we still had a military command in the Philippines at that time, that information was transmitted to Washington, DC, and was known.

Six, much of the U.S. fleet was lost/disabled at Pearl Harbor, the U.S. mainland was open to attack, and U.S. forces in the west coast war zone were inadequate to defend the continental United States. Japan had capability as evidenced by its 1942 invasion/occupation of the Aleutians which I have referred to.

My testimony does not go into a very poignant episode. I was cleared for one level above top secret as a member of Stars and Stripes. I read translations of the minutes of the Japanese equivalent of the National Security Council, and one of the more poignant passages, and I still remember that going on 39 years, was the decision whether to invade and occupy the Hawaiian Islands which the Japanese had the capability of doing, or getting the oil of Indonesia and the like, and the decision was made, well, lets get the oil of Indonesia first.

Once those invasion ships were used, they were then available to make attacks on the continental United States. The Aleutians were attacked and partly occupied. Where we are sitting, the Los Angeles area, southern California—where about 40 percent of the aircraft production of the United States was—was, I submit, equally subject to attack prior to Midway.

The propaganda campaign—the people who seek "redress" are very well financed. They certainly have been lobbying Congress and the media and giving only one side of the story, whereas the opponents are individuals, for the most part, and distinguished Americans such as Colonel Wiener who was a giant of the American Bar and one of the most distinguished living public servants.

The propaganda campaign ignores other facts supporting the evacuation/relocation:

1. The evacuation/relocation was limited to Oregon, Washington, California, and part of Arizona. There was no evacuation from other parts of the United States not exposed to immediate Japanese attack.

2. Many persons of Japanese ancestry voluntarily evacuated the war zone at taxpayer expense and were not sent to any camp, or reported in and then departed from a camp.

3. Thousands of camp residents were there voluntarily or were minors or dependents of evacuees. The children go with the parents.

4. Except for enemy nationals and those who professed loyalty to fascist Japan during time of war with Japan, or who refused to profess loyalty to the United States, everyone evacuated/relocated was free to move to other parts of the United States. Thousands did, including some 4,000 educated at taxpayers' expense.

5. *Ex parte Endo,* 323 U.S. 283 (1944) held that a citizen of Japanese ancestry whose loyalty was conceded by the government could not be held against his will in a camp.

6. It is legal, proper and desirable to intern enemy nationals during time of general war with the nation of their birth.

Certainly when I was one of those who waded ashore in Japan in the fall of 1945, I came across internees who happened to be enemy nationals of Japan, and nobody has explained to me why it is improper to intern an enemy national in time of war, or has a right to retain loyalty to the nation of his birth. I am told these were people who couldn't get U.S. citizenship, and I said, "so what"? They were enemy nationals. Did they or did they not profess loyalty to Japan, or to the United States?

I point out that enemy nationals, whether we call them residents or what, who were outside of the immediate war zone and who were not security risks, were not evacuated, relocated, interned or jailed or arrested.

7. I do not know the reason, if any, an enemy national who refuses to profess loyalty to the United States and is therefore interned is entitled to reparations.

Certainly, Japan to my personal knowledge didn't give any reparations to the American nationals and nationals of other countries that were interned in Japan.

8. Japan interned American citizens after Pearl Harbor and for the same reason the United States interned enemy nationals born in Japan—for national security purposes.

9. Much is made of the alleged lack of proof of sabotage and espionage by the evacuees. It begs the question because of the wartime curfew and subsequent evacuation.

10. Another reason may have been given by a resident of Hawaii who testified at the Seattle, WA, hearing of the Commission—he spoke immediately before me. He said he held a reserve commission in the U.S. Army, and that he refused to cooperate with anti-espionage authorities because he was not an "informer."

My September 9, 1981, testimony before the Commission was not well received. I was criticized by two members of the Commission for disagreeing with the self-evident fact that the United States was "guilty." The audience applauded criticism of me, and I was "booed" and "hissed."

The official transcript quotes me as saying, starting at page 75:

> Mr. CHAIRMAN. My name is Henry Kane. I am an attorney in private practice in Oregon, a former Oregon Assistant Attorney General, and I appear only as a private citizen. War is hell and almost everyone during a world war suffers, as indicated by the testimony, sometimes very greviously. However, it is time the Commission hear someone speak up in defense of the United States, its institutions and leaders who kept us a free nation during the time of peril. My purpose is to oppose criticism and to attempt to protect the good name of the late President Roosevelt, the Congress that authorized the relocation and internment and the U.S. Supreme Court that upheld the constitutionality of that, and I oppose any raid on the U.S. Treasury

unless everyone who suffered an injustice or wrong or loss during World War II as a result of the action of the U.S. Government also is equally compensated.

I suggest the following findings and recommendations:

Japanese-American internees served their country during the crisis period of World War II by their relocation and internment;

Internment of resident aliens of Japanese citizenship during the war with Japan was constitutional and was so upheld;

Relocation and interment was based in part on geography, because Japanese-Americans residing outside the Pacific Coast states and part of Arizona, were not relocated * * *

Thirty-nine years after the event, it is not for the Commission to second-guess the decision of the Congress and the executive to relocate and intern;

The Commission does not have the military expertise to determine whether the military made a reasonable and/or correct decision to relocate and intern;

Only those who lived through the early days of World War II or were intimately aware of the U.S. military posture have an adequate appreciation of the situation that led to the relocation and internment at that time;

On "60 Minutes" they had a Japanese spy who had participated in the attack, and while we may have the impression from some of our speakers that all internees were loyal to the United States, any such impression is improper * * *

I quoted *Korematsu.*

Senator STEVENS. Mr. Kane, I am going to have to ask you to finish up.

Mr. KANE. Yes. I would respectfully ask the U.S. Senate to put itself in the position of the 1942 Congress which presumably had access or was briefed in part on the horrible military situation on the west coast when Japan was winning everywhere and had 100,000 or more allied prisoners of war, many of whom died in imprisonment.

I ask this Senate and this Congress to evaluate the data that was known to President Roosevelt and that was presumably also known to Congress.

I respectfully submit that if this Senate does so, it will conclude that the evacuation and relocation and internment was more than warranted, and that there is no need or justification for besmirching the good name of the late President Roosevelt—and I am a registered Independent—the good name of others who in time of war had the responsibility for protecting the west coast where the soldiers were marching around with wood broomsticks, because the inland troops in the zone of interior were being stripped of their equipment for the forthcoming invasion of North Africa in November 1942.

We had ill-trained troops, recruits, without equipment, and the Congress, I submit, was aware of it and it was aware that the Japanese ancestry communities in the Philippines and other nations invaded by Japan had large numbers of Japanese Army and Navy officers and other fifth columnists. What did the Congress do? We have a military emergency, and as soon as the military emergency was over, 1943-44, many of the evacuees were allowed to return.

Thank you.

Senator STEVENS. Thank you very much, Mr. Kane.

[Mr. Kane's prepared statement with attachment follows:]

HENRY KANE
ATTORNEY AT LAW
12275 S.W. 2ND
P.O. BOX 518
BEAVERTON, OREGON 97075

AREA CODE 503
TELEPHONE 646-0566

Reasons for Rejection of the "Findings" and Recommendations of the Commission on Wartime Relocation and Internment of Civilians, and for Tabling S. 2116

Statement of Henry Kane, Attorney, Beaverton, Oregon, August 16, 1984, in Los Angeles, California, Before the Senate Government Affairs Subcommittee on Civil Service, Post Office and General Services on S. 2116, a Bill to Accept and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians

Because there was ample national security justification in 1942 for evacuation, relocation and internment, the Committee should reject the "findings" and recommendations of the Commission on Wartime Relocation and Internment of Civilians.

A second reason for rejecting the "findings" and tabling S. 2116 is that the Commission and its staff were biased in favor of "reparations, did not conduct an impartial or proper inquiry, and ignored evidence contrary to said bias.

This private citizen thanks you for the opportunity to give the "other side" of an issue obscured by distortion, emotionalism and propaganda.

My interest is that of a private citizen who seeks to defend against unjustified attacks a Democratic President - Franklin Delano Roosevelt - a Republican Secretary of War, Henry Stinson - and others who are no longer alive to defend their good names and reputations. I also propose to speak in defense of the wartime Congress that authorized the evacuation from a threatened Pacific Coast War Zone open to enemy attack.

I reside in Oregon, whose fort at the mouth of the Columbia river was attacked by a Japanese submarine shortly after Pearl Harbor. And as late as January 1945 a Japanese "balloon bomb" killed a Sunday School teacher and five children on the southern Oregon coast near Brookings.

Oregon was part of the threatened Pacific Coast War Zone when the evacuation was ordered as a matter of military necessity.

And largely overlooked and ignored was that not all of the evacuees were loyal. In fact, thousands were actively disloyal.

Also obscured is the distinction between enemy nationals - about half of those evacuated, relocated and/or interned, and U.S. citizens of Japanese ancestry. They may have been evacuated and/or relocated, but only security risks were imprisoned as security risks.

My first contact with the issues raised by the Commission "findings" and recommendations came in 1946, in Tokyo, Japan, while I was a reporter on Pacific Stars & Stripes, the Army daily newspaper published in Tokyo for the U.S. armed forces in the Pacific.

During that period I came across a number of persons of Japanese ancestry who during World War II renounced their American citizenship in favor of their dual Japanese citizenship. Because Japan refused to accept further repatration, they sat out the war in perfect safety, then were "repatriated" in 1946.

Because of my knowledge and interest, U.S. District Judge Robert C. Belloni of Oregon granted my motion to be *amicus curiae* in the "reparations" case of *Minoru Yasui v. U.S.A.*, USDC Oregon, CV No. 83-151. Judge Belloni dismissed the case, Yasui appealed and the government's motion to dismiss the appeal is pending before the U.S. Court of Appeals for the Ninth Circuit in San Francisco, California, Case No. 84-3730.

Attached as Exhibit A is my July 9, 1984 letter to your Chief Clerk summarizing my testimony.

Attached as Exhibit B are three documents in *Yasui v. U.S.A.* which further support rejection of the Commission's "findings" and recommendations. They are:

(1) Oct. 12, 1983 Motion for Leave to Participate as Amicus Curiae, etc.

(2) Petitioner's Jan. 12, 1984 Reply Brief, etc.

(3) Petitioner's Jan. 16 1984 Supplemental Affidavit

(4) Petitioner's Jan. 17, 1984 Brief, etc.

Exhibit B supports my position that the Commission report contains so many errors of fact and omission that the "findings" and recommendations should be rejected.

The Commission ignored numerous facts known to President Roosevelt and a few of his top advisors, but not known to the public and low-level officials, *e.g.*

(1) an espionage ring operating out of the Japanese Consulate in Los Angeles and "broken" by a Watergate-type burglary;

(2) intercepted "Magic" messages from Japanese officials in the United States to Japan prior to Pearl Harbor reflecting espionage activty by Japanese-born residents and "Americans" of Japanese ancestry;

(3) Prior to Pearl Harbor, virtually the entire community of Americans of Japanese ancestry and Japanese-born aliens residing in the United States financially and otherwise, supported Japanese aggression in China;

(4) On December 7, 1941, a Japanese pilot who had taken part on the attack on Pearl Harbor crash-landed on the Hawaiian island of Niihau, and was aided by a Japanse-"American" - Yoshio Harada. Exhibit C is a true copy of the May 1, 1983 Parade Magazine article titled "Never Shoot a Hawaiian Three Times" and states in part:

> "But Harada, who had dual U.S.-Japanese citizenship, soon alied himself with Nishikaichi.
>
> " * * * Harada shot himself."

(5) Persons of Japanese ancestry in The Philippines during the invasion of the Islands donned Japanese Army uniforms, aided the enemy, and assumed leading roles in the Occupied Government of The Philippines. Similar acts involving persons of Japanese ancestry occured in other nations invaded by Japan.

(6) Much of the U.S. fleet was lost/disabled at Pearl Harbor, the United States mainland was open to attack,

and U.S. forces in the West Coast War Zone were inadequate to defend the continental U.S. Japan had capability as evidenced by its 1942 invasion/occupation of the Aleutians.

The propaganda campsign ignores other facts supporting the evacuation/relocation:

(1) The evacuation/relocation was limited to Oregon, Washington, California and part of Arizona. There was no "evacuation" from other parts of the U.S. not exposed of Japanese attack.

(2) Many persons of Japanese ancestry voluntarily evacuated the war zone at taxpayer expense and were not sent to any camp, or reported in and then departed from a camp.

(3) Thousands of camp residents were there voluntarily or were minors or independents of evacuees.

(4) Except for enemy nationals and those who professed loyalty to fascist Japan during time of war with Japan or who refused to profess loyalty to the United States, everyone evacuated/relocated was free to move to other parts of the United States. Thousands did, including those educated at taxpayer expense.

(5) Ex Parte Endo, 323 U.S. 283 (1944) held that a citizen of Japanese ancestry whose loyalty was conceded by the government, could not be held against his will in a camp.

(6) It is legal, proper and desirable to intern enemy nationals during time of general war with the nation of their birth.

(7) I do not know the reason, if any, an enemy national who refuses to profess loyalty to the United States and is therefore interned is entitled to "reparations."

(8) Japan interned American citizens after Pearl Harbor and for the same reason the United States interned enemy nationals born in Japan - for national security purposes.

(9) Much is made of the alleged lack of proof of sabotage and espionage by the evacuees. It begs the question because of the wartime curfew and subsequent evacuation.

(10) Another reason may have been given by a resident of Hawaii who testified at the Seattle, Washington, hearing of the Commission. He said he held a reserve commission in the United States Army and that he refused to cooperate with anti-espionage authorities because he was not an "informer."

My September 9, 1981 testimony before the Commission was not well-received. I was criticized my two members of the Commission for disagreeing with the self-evident fact that the United States was "guilty," the audience applauded criticism of me, and I was "bood" and hissed.

The official transcript quotes me as saying, starting at page 75:

> "Mr. Chairman. My name is Henry Kane. I am an attorney in private practice in Oregon, a former Oregon Assistant Attorney General, and I appear only as a private citizen. War is hell and almost everyone during a world war suffers, as indicated by the testimony, sometimes very grievously.
>
> (no paragraph)
>
> However, it is time the Commission hear someone speak up in defense of the United States, its institutions and leaders who kept us a free nation during the time of of peril.

(no paragraph)

My purpose is to oppose [criticism], and to protect the good name of the late President Roosevelt, the Congress that authorized the relocation and internment and the U.S. Supreme Court that upheld the constitutionality of that, and I oppose any raid on the Treasury unless everyone who suffered an injustice or wrong or loss during World War II as a result of the action of the U.S. government also is equally compensated.

"I suggest the following findings and recommendations:

"Japanese-American internees served their country during the crisis period of World War II by their relocation and internment;

"Internment of resident aliens of Japanese citizenship during the war with Japan was constitutional under the U.S. Constitution, and Japan and other nations recognize the right to intern enemy aliens during time of war;

"Relocation and internment was based in part on geography, because Japanese-Americans residing outside the Pacific Coast states [and part of Arizona] were not relocated and interned;

"The Supreme Court of the United States has upheld the relocation and internment at issue, and those decisions are binding as a matter of law on the Commission;

"Thirty-nine years after the event it is not for the Commission to second-guess the decision of the Congress and the executive to relocate and intern;

"The Commission does not have the military expertise to determine whether the military made a reasonable and/or correct decision to relocate and intern;

"Reject any 'reparation, damages, redress,' or monetary compensation for internees and their descendants unless all other Americans who suffered during World War II, and were not compensated, or inadequately compensated, are similarly compensated, and

"Reject any finding or concept of 'national guilt' for relocation and internment during the dark days of World War II.

* * *

"Among the captured Japanese government documents I read in translaterion was one dealing with the possible occupation of Hawaii as part of the December 7, 1941 attack on Pearl Harbor.

"Only those who lived through the early days of World War II or were intimately aware of the U.S. military posture have an adequate appreciation of the situation that led to the relocation and internment.

"The perilous U.S. situation was stated in part in Hirabayashi v. United States, 320 U.S. 81, 94 (1943):

> 'The actions taken must be appraised in the light of the conditions with which the President and Congress were confronted in the early months of 1942, many of which since disclosed, were then peculiarly within the knowledge of the military authorities. On December 7, 1941, the Japanese Air Forces had attacked the United States naval base at Peark Harbor without warning * * *.'

"On 'Sixty Minutes' they had a Japanese spy who had participated in the attack, and while we may have the impression from some of our speakers that all internees were loyal to the United States, any such impression is improper and the Commission should state that a significant number of internees had a questionable loyalty at best. And I quote from Korematsu [v. U.S.]

325 U.S. [214] at 219-220:

> 'All citizens alike, both in and out of uniform, feel the impact of war in greater or lesser measure. Citizenship has its responsibilities as well as its privileges, and in time of war the burden is always heavier.'

" * * * allow me to address the issue the issue of interenees who received no compensation or inadequate compensation for their property. There appears to be tunnel vision concerning that aspect.

"I respectfully submit that the bulk of the internees suffered no more, and many may have suffered less, than many other American citizens caught up in World War II.

"A number of your prior witnesses appear to be unaware that during World War II the federal government shut many businesses and industries as unessential to the war effort. Others closed for lack of business caused by the war.

"To my knowledge, the federal government did not compensate the owners for their loss, temporary or permanent, and many did not reopen after the war.

"Nor did the government compensate those who closed their businesses, or sold them at a fraction of market value, because of their imminent entry into military service.

"Among the many other non-interned Americans who suffered indignities, loss of civil rights, economic rights and other personal and business losses and hardships were the following:

* * *

"The widows, orphans and families of dead servicemen.

* * *

> "The internees who sat out World War II as civilians should count their blessings. They were so much more fortunate than those who fought and died or returned as hopeless cripples."

The "mind-set" ofthe Commission is reflected in the following part of the transcript commencing at page 112:

> "Judge Martani: Mr. Kane, I am going to be quite candid with you if I may. * * * But I must tell you, sir, that while I am prepared to forgive and forget and overlook the seeming ignorance of a lot of people, I must in all candor find with little trouble that you apparently, sir, have reached certain decisions devoid of facts, and that is very un-lawyer, for me to be so blunt.
>
> * * *
>
> "I am also troubled that you as a lawyer refer to the fact that Japan recognized internment. Who cares about Japan? I certainly don't care what they do, do you, sir? Does Japan dictate what the United States is going to to to its own citizens?
>
> "Judge Marutani: Let me tell you something also, perhaps it might help you. So I hope you have an open mind. I am not too sure about it, to be quite blunt with you.
>
> "(Laughter.)
>
> * * *
>
> "Judge Marutani: * * * Sir, if you will only stop and begin as a lawyer to check into the facts before you arrive at a decision, I dare say that if you will be guided by the facts you may indeed come to a different conclusion. I'm trying to appeal to your intellect There are many people I'd never do this with, because they are a lost cause. But it troubles me that you as

> a lawyer would arrive at conclusions which are full of misconceptions * * *."
>
> "(Applause.)"

Query: Was Commission member Marutani impartial or was his "mind made up" prior to receipt of all testimony and evidence?

Another Query:

Before Pearl Harbor, how many Americans of Japanese ancestry and Japanese-born alien residents publicly opposed Japanese-militarism/fascism and invasion of China, and cooperated with United States counter-intelligence?

Postwar disclosures more than justify the decision of the Congress and President Roosevelt to evacuate/relocate Japanese-Americans and to intern resident enemy aliens who professed loyalty to Japan. The Commission report should be rejected and S. 2116 tabled.

Respectfully submitted,

H Kane

Henry Kane
Oregon State Bar No. 61045
12275 S.W. Second, PO Box 518
Beaverton, Oregon 97076
(503) 646-0566

EXHIBIT A

HENRY KANE
ATTORNEY AT LAW
12275 S.W. 2ND
P.O. BOX 518
BEAVERTON, OREGON 97075

AREA CODE 503
TELEPHONE 646-0566

July 9, 1984

Chief Clerk
Subcommittee on Civil Service,
Post Office and General Services
Committee on Governmental Affairs
601 Hart Senate Office Building
Washington, D.C. 20510

Re: August 16, 1984 Subcommittee hearing in Los Angeles, California on federal legislation regarding reparation and redress for Japanese Americans relocated/interned during World War II

Dear Sir:

This letter of request is submitted pursuant to the July 6, 1984 announcement by Senator Ted Stevens, Subcommittee chairman and Assistant Majority Leader.

The undersigned respectfully requests that he be allowed, at his cost, to appear and testify at the August 16, 1984 Subcommittee hearing as an informed amicus curiae attempting to speak on behalf of those no longer alive and able to defend themselves, and the American taxpayer.

I testified before the 1981 hearing in Seattle, Washington of the Commission on Wartime Relocation and Internment of Civilians, and answered questions put to me by hostile members of the Commission. I have engaged in hundreds of hours of independent legal and factual research, and can provide succinct summaries of relevant facts and Supreme Court and lower court decisions.

My short summary of my proposed testimony is as follows:

My first contact with the issues raised by the Commission report and the proposed legislation came in 1946, in Japan, while I was a reporter on the staff of Pacific Stars & Stripes, the Army daily newspaper published in Tokyo. During that period I came across a number of persons of Japanese ancestry who renounced their U.S. citizenship in favor of their dual Japanese citizenship. Because they could not be repatriated, they sat out the war in perfect safety in the U.S. "internment" camps. They struck me as a sad lot who realized too late that they had bet on the losing side.

Because of my knowledge and interest, U.S. District Judge Robert C. Belloni granted my motion to be amicus curiae in the "reparations" case of Minoru Yasui v. U.S.A., USDC Oregon, CV No. 83-151. Judge Belloni dismissed the case. Yasui appealed and the government's motion to dismiss the appeal is before the U.S. Court of Appeals for the Ninth Circuit in San Francisco, California, CA No. 84-3730.

Although a registered independent, I wish to speak in defense of the good name and reputation of a Democrat, President Franklin Delano Roosevelt, and the good name and reputation of the United States during time of crisis.

Based on my experience with the Commission - I had to invoke the name of Senator Bob Packwood before I was allowed to testify - and my reception by the Commission and analysis of the "Report," I state as a documented fact that the Report contains so many errors of fact, of omission, and of bias in favor of "reparations," that the Report should be rejected.

The Commission and proponents of "reparations" waited some 40 years to investigate what was amply investigated at the time by various congressional committees during World War II.

After some 40 years most of the principals with first-hand knowledge, starting with FDR, have passed on and there are few to defend their good name and posthumous reputation.

What is particularly offensive is the "brainwashing" of the American people and the rewriting of the events that led to the evacuation of a threatened war zone that had been physically attacked.

The Commission ignored numerous facts known to FDR: an espionage ring operating out of the Japanese Consulate in Los Angeles, intercepted "Magic" messages reflecting espionage activity by Japanese-born residents and Japanese-"Americans" prior to Pearl Harbor, that virtually the entire Japanese-American community in the United States financially and otherwise supported the Japanese invasion of China, that on Dec. 7, 1941, a Japanese-"American" committed treason by aiding a downed Japanese pilot had had bombed Pearl Harbor, that thousands of the adult internees actively support fascist Japan, threatened and injured pro-American Japanese-Americans, and that thousands renounced their U.S. citizenship. I would like to recount a fact probably known to FDR and his military advisors: persons of Japanese ancestry in The Philippines during the invasion of Luzon donned Japanese Army uniforms and aided the invaders. Similar episodes occurred in other invaded lands. And after World War II the U.S. Supreme Court affirmed the wartime treason conviction of a Japanese-"American" who brutalized American POWs in Japan.

For purposes of considering the reparations issue the Subcommittee should make distinctions glossed over by the Commission:

There is a distinction between the evacation and relocation of American citizens of Japanese ancestry from the West Coast War Zone and "internment" of:

(1) resident enemy aliens who, as was their right, retained loyalty to the land of their birth, Japan, and were interned pursuant to the right of the United States and every other nation to intern enemy nationals

(2) resident enemy aliens who refused to evacuate the West Coast War Zone to other parts of the United States at taxpayers' expense, and were therefore ordered to relocate

(3) resident enemy aliens who expressed loyalty to Imperial Japan, the Emperor and fascist Japan's war aims and refused to pledge support to the United States

(4) resident enemy aliens who expressed support for fascist Japan and its war aims and injured and threatened pro-American evacuees who sided with the United States and/or wished to serve in the U.S. armed forces

(5) resident enemy aliens and American citizens of Japanese ancestry who voluntarily evacuated the West Coast War Zone and either never were held in a relocation camp or soon departed after arrival

(6) Minor children of resident enemy aliens and American citizens of Japanese ancestry who were in relocation or internment camps solely because of their status as dependents of those relocated or interned

(7) resident enemy aliens and American citizens of Japanese ancestry who voluntarily wished to remain in the relocation/internment camps for various reasons, e.g., they had no other place to live, preferred the safety of the facility, and last but not least, wished to demonstrate their loyalty to fascist Japan and the Emperor

(8) American citizens of Japanese ancestry who refused to renounce their dual Japanese citizenship and therefore were subject to Japanese military discipline

(9) American citizens of Japanese ancestry who renounced their American citizenship

(10) American citizens of Japanese ancestry who refused to pledge support to the United States, and

(11) American citizens of Japanese ancestry who refused to serve in the U.S. armed forces and/or threatened pro-Americans who sided with the United States.

The Supreme Court and lower court decisions were based on facts and state good constitutional law.

Chief Clerk, Subcommittee on Civil Service, Post Office and General Services
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Page Four

Korematsu v. United States, 323 U.S. 193, 219 (1944) noted that not all evacuees/relocatees/internees were loyal:

> " * * * That there were members of the group who retained loyalties to Japan has been confirmed by investigations made subsequent to the exclusion.
>
> (no paragraph)
>
> Approximately five thousand American citizens of Japanese ancestry refused to swear unqualified allegience to the United States and to renounce allegiance to the Japanese Emperor, and several thousand evacuees requested repatriation to Japan.[2]"

If this Subcommittee proposes to give $20,000 or any other sum to anyone, it is submitted that fairness requires that the "reparations" be limited to those who actually "suffered," and that excludes those who were minor dependents, that German and Italian enemy nationals and American citizens of German or Italian ancestry be given similar "reparations," that free college educations and other benefits be deducted, and that the amount not exceed the $10,000 the widow or parent of a serviceman killed during World War II received as a death "benefit."

This would be my second appearance as a witness before a Senate Subcommittee. Some years ago I testified before a subcommittee of the Senate Committee on Small Business chaired by Senator Bob Packwood. I am a former legislative aide to the Oregon Legislature and have testified before numerous committees of the Oregon Legislature since 1955 and am listed in Who's Who in American Law 3d edition. My articles have been published in law reviews and other publications, including State Government, the publication of the Council of State Governments.

Enclosed as an example of my research and analysis is a copy of my December 1983 letter to E. W. Barry, President of the Oxford University Press, re a 1983 Oxford University Press book titled "Justice at War, by Peter Irons. Messrs. Barry and Irons did not respond, except that Irons' name was removed from the list of co-counsel in Yasui v. United States. It appears that Irons was not a member of the Bar of any jurisdiction.

If allowed to testify, I will submit the original and required copies of my testimony and supporting exhibits prior to the deadline set by the Subcommittee.

Thank you for your courtesies in this matter.

Sincerely,

Henry Kane

encl.
cc: Hon. Bob Packwood (without enclosure)

Senator STEVENS. Our next witness is the senior Senator from California, Senator Alan Cranston.

TESTIMONY OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator CRANSTON. I am delighted to welcome my fellow whip from the Senate, and my friend and colleague from the Senate, Ted Stevens.

Senator STEVENS. It is nice to be in California again, Senator.

Senator CRANSTON. Thank you.

I appreciate very much the opportunity to testify before you, to express my support for S. 2116, a bill that will provide redress for Japanese-Americans and Aleuts who were interned during World War II by our Government. I'm proud to be an original cosponsor of this legislation, and the author of its forerunner, S. 1520.

I know that the distinguished chairman of this subommittee is thoroughly familiar with the situation affecting the Aleuts, so many of whom reside in his State. The subcommittee today is concerned with the provisions of this bill providing redress for Japanese-Americans and I will confine my testimony to that subject.

With the exception of sanctioning human slavery, the removal from their homes and internment of 120,000 American citizens and legal residents of Japanese ancestry by our Government in 1942, merely because of that ancestry, remains the single worst mass violation of civil rights and liberties in our Nation's history.

Our Government's action violated the very ideals for which this Nation stands and for which it was then fighting.

The Founding Fathers—who had witnessed abuse by government of individuals' rights and freedoms—crafted a Constitution recognizing that every person has rights and liberties the Government is pledged to protect.

That is the very essence of the Bill of Rights.

When the Government fails to honor this commitment, the freedom of all of us is ultimately endangered.

Wartime often sees expedience substituted for reasoned judgment. But no wartime conditions justified the actions taken here.

Mr. Chairman, as you know, the Commission on Wartime Relocation and Internment of Civilians reported to Congress startling facts about the Government's internment policy.

More than two-thirds of the Japanese-American internees were American citizens. Two-thirds. The rest were legal U.S. residents, many of whom were barred by discriminatory laws from becoming citizens, despite long residence in our country.

Without justification, they were adjudged collectively guilty, and then were collectively punished. Our Government, solely on the basis of their Japanese ancestry, excluded them from their homes, businesses, and communities on the Pacific coast. None had the benefit of individual review or any other manifestation of due process of law to determine their loyalty. Suspected criminals, even in wartime, are usually afforded more rights.

No act of espionage, no act of sabotage, no act of fifth column activity had been committed by the Nisei, or by the resident Japanese aliens on the west coast. American officials knew this at the time. Many Japanese-Americans were held until December 1944—a period of nearly 3 years—and more than 18 months after officials privately acknowledged that no military justification existed for continuing the policy.

These are the facts. Because about 70 percent of those affected by this legislation now reside in California, I—as California's senior Senator—have a natural interest in this bill. But my personal involvement in seeking justice for these Americans dates back to 1942.

Shortly after Pearl Harbor I was assigned to the Office of War Information in Washington. I worked closely with Eleanor Roosevelt, Archibald MacLeish and the then-Attorney General Francis Biddle in trying to dissuade President Franklin Roosevelt from implementing the evacuation and internment plans submitted to him by others.

Later, after the internment process began, I visited two of the camps. Around the clock, I spent my time inside the barbed wire talking to internees, including boyhood friends from Los Altos, CA.

These were people with whom I had learned the Pledge of Allegiance, the Star Spangled Banner, and America the Beautiful. Their loyalty to this Nation was unquestionable.

I noted the irony of seeing American Nisei soldiers home on furlough and in uniform, wandering around inside a fenced-in internment camp. These Nisei soldiers were later to return from the battlefields of Europe as the most distinguished and decorated American combat unit of the war, and from the Pacific theater, as loyal soldiers and military intelligence officers in our fight against Imperial Japan.

Yet, even as they fought for the United States, their parents, their wives and their children were held in guarded camps by the U.S. Government.

My friends and former classmates in these camps justifiably felt themselves robbed of their citizenship.

Some of those interned were told that internment was for their own protection. But they saw clearly that the machine guns and searchlights surrounding their prison faced inward.

The war extracted great sacrifices from all Americans, resulting from necessary measures to defend our country. But the exclusion and internment policy was a hardship imposed exclusively upon Japanese-Americans—clearly for racial reasons alone.

No similar action was taken, for example, against Americans of Italian or German descent, although Italy and Germany were also among the Axis powers with whom we were at war.

The exclusion and removal of Japanese-Americans resulted from a long history of organized anti-Japanese agitation on the West Coast. By contrast, in Hawaii the military commander restrained plans for radical measures and treated the ethnic Japanese as loyal residents—absent specific evidence to the contrary. Only 2,000 ethnic Japanese were taken into custody in Hawaii versus 120,000 on the mainland.

Many people suffered losses in the war, as did many Japanese-Americans. But only Japanese-Americans were forced from their homes, forced from their businesses, forced from their farms in the continental United States, and deprived of their freedom by the U.S. Government.

Many evacuees lost far more than the amount provided by the redress legislation.

An independent study for the Commission found economic losses alone, including interest, may have averaged as high as $180,000 for each evacuee, running as high as $6.2 billion in current dollar value. Many consider this a conservative estimate of the real economic losses. The redress legislation would provide only about a sixth of this amount as compensation.

Since the internment, many who supported it have had second thoughts, including former Secretary of War Henry L. Stinson. Justice William O. Douglas, one of five Supreme Court Justices, who, in the *Korematsu* case, held the evacuation constitutionally permissible, later said the case "was ever on my conscience." Actually, enough Justices from the original majority have written that on hindsight, they would have voted differently, to produce a different result.

Chief Justice Earl Warren—who, as California's attorney general, had urged evacuation then—summed it up afterwards in these words:

> I have since deeply regretted the removal order, and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens.

Mr. Chairman, the loss of a citizen's freedom can never be measured adequately in money. But the monetary payment recommended by the Commission and included in this legislation is an essential element to make redress a reality and to guarantee the sanctity of our precious liberties for our children.

I thank you very much.

Senator **Stevens**. Thank you very much, Senator.

I am glad you could take time from your schedule to come and appear.

Senator **Cranston**. Thank you. I appreciate coming here on this mission. Thank you.

Senator **Stevens**. We will see you back when we get back there. Thank you.

It is nice to see you, too, Mrs. Cranston.

Our next witness is Mas Odoi.

TESTIMONY OF MAS ODOI, TORRANCE, CA

Mr. **Odoi**. My name is Mas Odoi. I am from Torrance, CA.

I have presented my ideas in a material hand-in, but my oral testimony will be primarily an observation from personal experience.

Senator **Stevens**. You have testimony you wish to have printed in the record, Mr. Odoi?

Mr. **Odoi**. Yes. I have submitted it.

Senator **Stevens**. Yes. Thank you very much. We will print it in the record.

Mr. **Odoi**. Thank you.

I want to make it clear that almost all the testimony by the Japanese-Americans before this subcommittee has been decidedly pro-redress because the moderate voices have been largely squelched.

Therefore, the report by the Commission on Wartime Relocation and Internment of Civilians "Personal Justice Denied," is very biased.

I hope the subcommittee will recognize this fact and give my voice due weight because it represents the feelings of thousands of quiet Americans.

First, I would like to emphasize that I am not opposed to redress, but to unfair tactics used by its proponents. Actually, I authored two redress plans, as presented in my testimony.

My letter in the March 19, 1976 issue of the Pacific Citizen, a weekly newspaper of the Japanese Citizens League, suggested a simple redress plan for $1,000 per evacuee, and a procedure to win the acceptance. The JACL followed my suggestion and eventually accepted the plan at its biannual convention in Salt Lake City in 1978. However, I opposed it, because it changed the amount to $25,000 per evacuee.

I want to assure you that I am quite knowledgeable about this evacuation and the redress program. I have been involved in it for 12 years; and in that time I have taken considerable harassment by the pro-redress people, because they don't understand my point of view.

Second, I designed a community benefit redress plan which I have outlined in my enclosed letter to the Gardena Valley News. It had two provisions:

One is that every evacuee received credit for $1,000 a year for 10 years, which can be donated to any charitable, religious or community service organization of his choice.

Two, a token monetary payment be awarded to every evacuee, the amount to be determined by Congress.

What I am objecting to is the unfair tactics used by the pro-redress and the anti-redress extremists. However, because of limited time, I will devote most of my time to criticism of the pro-redress group.

As a former evacuee and Purple Heart veteran of World War II, I would like to disprove some of the false, anti-American allegations by these people.

One is the gross distortion of facts in their description of members of the 442d R.C.T. going home to visit parents, imprisoned in "concentration camps."

My father was in the Minidoka Relocation Center; and he could move out whenever he wanted to, as he did several times for seasonal work. And, although he was technically an enemy alien, he permanently relocated to Oregon before the war ended.

My point is that the use of the term "concentration camp" for these centers is very demeaning. Although it is true that public officials, including Secretary of Navy Knox, used that term during World War II, it had a different connotation from the present after the Nazis used their concentration camps to exterminate Jews and other victims. This implication of death camp is inappropriate for humane American relocation centers. Any suggestion that Japanese-Americans were imprisoned there for the duration is utterly false; for even Japanese nationals could move out simply by certifying their loyalty.

Plaques at sites of former relocation and assembly centers which use this term and in other ways unfairly defame our land of "justice and freedom for all" should be removed before redress is considered. I don't believe in rewarding people who indulge in unpatriotic activities.

Many, many other arguments by pro-redress activists have been disproven by my written testimony; but I recognize that some of their claims are true.

Every family lost almost everything they had in the evacuation. Every person suffered, not only financially and psychologically, but in many other ways. To this day, former evacuees still feel the pain of rejection and of being falsely imprisoned, despite their undeniable innocence.

However, an all-important question is: Would Japanese-Americans have been better off in the relative safety and comfort of the camps, or outside in a hostile environment?

I think very few people can deny that it was much better, especially for the childen, that they could live in a compatible setting. If they had gone to school on the Pacific coast, daily encounter with hostility and bullying during the long years of the war would certainly have caused irreparable psychological damage.

My younger sister, who relocated to eastern Oregon with my father and mother during the latter part of the war, had told me that when she started school, "It was terrible. It was really terrible to face all that hostility."

In other words, it may have been best for Japanese-Americans to be relocated. Now, I am not justifying the evacuation. In a lot of ways it is a great wrong for innocent people to be summarily uprooted from their homes, take great losses, and be put in prison-like compounds behind barbed wire. This is undeniable.

But we have to be objective and avoid condemning America, because there was need for some sort of protective custody. Obviously, our Government could not admit it publicly; so it resorted to the dubious rationale that we were "national security risks."

Many Issei bread winners were interned or lost their jobs; so Japanese families were undergoing great economic hardship. It seemed prudent to move Japanese-Americans from areas with a century-old tradition of anti-Orientalism to inland States, where they would be accepted. When they moved to the Pacific coast after the relocation centers where closed, they met with considerable antagonism, although some people were sympathetic and understanding.

Like I said, I am not trying to condone or support the evacuation; but in many ways it has worked out for the best. The Japanese-Americans, themselves, must have realized the inevitability of the move, because only 1 or 2 out of 110,000 tried to evade the relocation.

We were told at the time that it was our patriotic duty to move without making a fuss; so that is what we did. It should also be recognized that there was little agitation for redress among the adult evacuees themselves. Actually, the majority of people that are active in it are the Sanseis and young Niseis who either were not born or were small children at the time.

This makes it clear that the evacuees are not demanding redress in large numbers. One reason for that is they have faith in the

American system. They know that they have been wronged; but they feel that justice will prevail eventually and that the Senate and the Congress of the United States will take appropriate action.

An important question is: Why did we wait 40 years before demanding redress? There are obvious answers; but it takes someone who is very familiar with the situation to find the reasons why.

A major factor is that the evacuees did not have a workable plan. Every such plan developed before 1976 was so complicated that it took hours to explain. We could not secure general approval from the Japanese-American evacuees because they could not be understood.

That is why I suggested my simple plan back in 1976, because a simple plan like giving $1,000 to every evacuee——

Senator STEVENS. Tell me again about that plan, Mr. Odoi. For the record, what was that plan? Is it in your printed statement?

Mr. ODOI. Yes, it is in my printed statement. But it is very simple, so let me read it for you quickly.

I suggested that Congress pass a law disbursing $1,000 to all evacuees and to those who relocated voluntarily during this period, regardless of age or citizenship. If deceased, payment can be made to heirs. That is all there is to it.

There are many advantages to this plan, some of which are:

First, it can be easily implemented. Many Congressmen and other public officials have favored restitutions for 20 years or longer; but they could not take action because we did not have a workable plan which enjoyed widespread support.

My plan is so easily understood it could be presented to Japanese-American evacuees for their approval. And that is exactly what the JACL did. They sent a memo to all chapters to vote on a $25,000 per evacuee redress plan; and every one supported it. It was officially adopted in the JACL 1978 national convention in Salt Lake City.

Senator STEVENS. This plan of yours?

Mr. ODOI. That's right. This is the plan I suggested back in 1976, except the amount was changed to $25,000.

And Mr. Dwight Chuman, editor of the English section of the Rafu Shimpo, who is not exactly on the friendliest of terms with myself, a very capable newswriter, phoned me and mentioned that the plan accepted by the JACL was my plan. Yet, because I have a reputation of being opposed to redress, I have been subjected to catcalls and unfriendly demonstrations almost every time I get up before a redress audience. Actually, I am trying to work for what is best, not only for Japanese-Americans, but for all Americans.

I want to bring out that I have done much for the welfare of Japanese-Americans in numerous ways.

This is the first redress plan I suggested back in 1976. Then about 1980 I developed a community benefit plan. Whenever I presented it to a general audience, I could see a great deal of approval. But the pro-redress extremists do not want it to be publicized, because it may detract from their particular plan.

Now, don't get me wrong. I am not condemning those people who are working hard for redress. They do what they think is right and they make a great effort. They should get credit for what they have done; but they should recognize that their tactic of intimidating people who want to express their opinion is wrong and un-American. In the name of justice and freedom, they are suppressing the right of freedom of speech of good citizens.

I don't know if I have much more time; so I will cut it short. Let me briefly mention my community benefit redress plan, because it is also very simple, and it can be implemented without considerable administrative costs.

My two-point community benefit redress plan is:

First. All former evacuees receive credit for $1,000 a year for ten years, which can be donated to any established charitable, religious, or public service organization of their choice.

Second. A token monetary award be given to every evacuee, the amount to be determined by Congress.

I believe we should have faith in our fellow Americans and in the Senate and the House of Representatives. We should present our case honestly; and I am sure they will do something which is at least acceptable and fair.

Most responsible Japanese-Americans favor some type of community funds for redress. If anyone reads our ethnic newspapers, you will see that is a general feeling by the great majority of mature Japanese-Americans.

But all proposed community fund plans are almost impossible to allocate fairly. There are thousands of organizations all over the country to which Japanese-Americans belong. Who is to determine how much each will receive?

Just in the community of Gardena, there are over 100 organizations. There is no fair way to decide how much the Buddhist Church will get, or the United Methodist Church, the Gardena Valley Baptist Church, the retirement home, or the nursing homes.

I think it makes sense to let the evacuees decide where they want the money to go. They can list on a form the organizations and the amount they want sent to each. This can be put into a computer; and the total each institution will receive can be sent periodically in a single check. This is a simple, practical way to handle a community fund.

Of fundamental importance is the question of what kind of redress should be given to Japanese-American evacuees. It is doubtful if the statements of pro-redress leaders reflect the feelings of the majority, because they enjoy minimal support from the evacuees themselves. Let us recognize that people who claim to be spokesmen are only saying what they and their clique want, not necessarily the Japanese-Americans as a whole.

The best and simplest way to get the opinion of the majority of the evacuees is to send them an alternative poll questionnaire, wherein they can check their choices.

An official questionnaire will elicit a considerable number of responses, from which the desires of the evacuees can be ascertained.

In the past decade there have been several surveys, mostly newspaper polls. None of them could claim to be valid samplings.

Senator STEVENS. Is this computer list available, Mr. Odoi, of the evacuees? Is there such a list?

Mr. ODOI. Old relocation center records should have the names of all evacuees; but of course, not their addresses. However, most of the survivors can be found through various Japanese-American organizations, like churches, community groups, the JACL, and others.

A procedure that will have to be followed in any individual redress program is for all former evacuees to write in and identify themselves. Their names and ages can be checked with Government records. The details can be worked out by the lawmakers.

First, the Houses of Congress should approve the principle of redress and encourage applications. Respondees can be sent questionaires asking what type of redress plan they prefer. From their answers, our legislators can develop an equitable program.

Japanese-Americans are not a demanding people. Primarily they want to redeem their honor! And the great majority of the American people want what is right. So I am sure a reasonable plan would be acceptable to everyone concerned.

I developed these redress plans because the lingering pain and bitterness is not only still festering within the evacuees, but is disrupting the harmony in every Japanese-American community. However, I am opposed to defaming America as a ploy to get redress. As a Purple Heart veteran, I am outraged by such unpatriotic tactics.

Anyway, I hope that Congress will make an effort to get some idea of the opinions and feelings of Japanese-Americans as a whole. Only then would it be a valid plan, and not just meeting the demands of an outspoken few. It is a fact that 95 percent of Japanese-American evacuees would not walk across the street to attend a meeting on redress. I have seen it happen many times.

Moderate views are not being heard, because people are not going to get up and take boos, obscene gestures, and other abuses which I have taken. I have taken them and a tremendous amount of harassment for 12 years. But many people have come up to me and said, "I am glad that you are standing up and saying those things because that is what we want. I am afraid to do it myself; but I want you to know that a lot of us are behind you." Many, many people have told me that.

I hope the Senators recognize that there are Japanese-Americans who dare not speak out for fear of retaliations. Because I am one of the very few who are willing to take it, pro-redress extremists concentrate on me. Which is OK with me.

I hope you will give due weight to what I say, because it is true. You will find if you read accounts of the Commission on Relocation and Internment of Civilians meetings, whenever someone spoke up against redress, they were subjected to abuse and catcalls and so forth, like myself. One time I simply paraphrased the Lord's Prayer; and there was a loud chorus of boos.

I am not trying to condemn the pro-redress people. I can recognize their terrible hurt and anger. Actually, I feel very friendly, even to those who lead and boos; and I am ever willing to shake their hands. But the Senators should give due weight to the intimidation of the moderates.

Senator **Stevens**. Thank you very much.

[The prepared statement of Mr. Odoi with attachments follows:]

Testimony of Mas Odoi on S. 2116
before the Senate Governmental Affairs Subcommittee
on Civil Service, Post Office, and General Services

SUMMARY

My testimony has two parts:

1. Oppose approval by the Senate of *Personal Justice Denied*, the report by the Commission on Wartime Relocation and Internment of Civilians, that calls the World War II evacuation of Japanese Americans a "grave injustice" caused by "racial prejudice, war hysteria, and a failure of political leadership."

Facts are presented to discredit unwarranted implications and conclusions which unfairly maligns America and the American people.

Instead of validating such a doctrinaire account by researchers who are totally unfamiliar with the complex circumstances of the chain of events, Senators are urged to read read two books, written from personal experience: 1. *Nisei, the Quiet Americans*, by Bill Hosokawa, who was evacuated from Seattle, Washington to Heart Mountain Relocation Center in Wyoming. 2. *Uprooted Americans*, by Dillon S. Myers, director of the War Relocation Authority.

2. Restatement of a community benefit redress plan, which provides as follows:
(1) All former evacuees receive credit for $10,000, to be paid in installments of $1,000 a year for ten years, which can be donated to any established charitable, religious, or public service organizations of their choice.
(2) A token monetary award be given to each evacuee, the amount to be determined by Congress.

An official poll of all Japanese American evacuees should be taken to obtain a consensus of what type of redress plan they favor.

Because of intimidation by pro-redress extremists against moderate Japanese American evacuees, I am a lone voice amid a sea of embittered witnesses, who graphically detail the worst aspects of this unfortunate occurrence. Please give due weight to the fact that my brief statements may typify the feelings of countless other "Quiet Americans."

Note that as a Purple Heart veteran of the 442nd Regimental Combat Team, who enlisted from a relocation center, I have devoted tens of thousands of hours in the past 40 years working for a better America. Some of my opponents seem to put personal interest above the welfare of their own country!

Mas Odoi
1523 Plaza Del Amo
Torrance, CA 90501
(213) 618-1835

Testimony of Mas Odoi on S. 2116
before the Senate Governmental Affairs Subcommittee
on Civil Service, Post Office, and General Services

Coercive tactics employed by a few extremists, demanding redress for the World War II mass removal of Japanese Americans from the Pacific coast, have been deplored by thousands of former evacuees. Yet, because their moderate voices were not heard, the Commission on Wartime Relocation and Internment of Civilians issues a report that the evacuation was a "grave injustice" caused by "race prejudice, war hysteria, and a failure in political leadership." (Personal Justice Denied, p. 18)

Granted, we were innocent victims of a cataclysmic chain of events and suffered in countless ways, psychological as well as financial. But the United States government must be given due credit for trying to make the best of an unpleasant situation.

As part of my testimony, may I submit copies of three articles I have written on this subject.

1. Printed March 19, 1976 in the Pacific Citizen, my letter, titled "E O. 9066 Rescinded," suggests a redress plan, which was adopted by the Japanese American Citizens League in its 1978 biennial convention in Salt Lake City. Because the award was changed from $1,000 to $25,000 per evacuee, I have opposed it.

2. The poll on a community benefit redress plan, printed February 1984 in the Gardena Valley News, received mixed response.

3. My article, printed July 15, 1983 in the United Methodist Reporter, tries to outline facts of the evacuation in its true perspective. The title is misleading, because it relates only to my opposition to William Hohri's lawsuit for $25 billion.

The purpose of my testimony is two-fold:

A. To point out intolerable distortions in the CWRIC report.
B. To present a simple community benefit redress plan, which is fair and capable of implementation without undue administrative costs.

A. Critique of the CWRIC Report

Three major factors contributed to the one-sid edness of the CWRIC report:

1. None of the panel members had familiarity with the vast, far-reaching circumstances surrounding the evacuation, except Judge William M. Marutani, who was a small child at the time.

2. The commission was composed almost entirely of liberal intellectuals, who tend to favor ideals over the realities of a dog-eat-dog world.

3. Most importantly, views of moderate Japanese American evacuees were not heard! Ample proof of the intimidating tactics employed by redress extremists are the boos and catcalls to which everyone who opposed redress was subjected to in CWRIC hearings across the nation.

As a Purple Heart veteran of the 442nd Regimental Combat Team, who has spoken out against unfair condemnations of our country's actions, I have been the target of verbal abuse and

Mas Odoi
1123 Plaza Del Amo
Torrance, CA 90501

painful recriminations for over twelve years. Many Japanese Americans, who have privately expressed support for me, admit they dare not state their views publicly.

As an exhaustive study of the details of the evacuation, Personal Justice Denied, the report by the CWRIC, has considerable merit. But its attempts to generalize fails abysmally, because the most vital elements are too broad and abstract to be reduced to factual statements.

The following will help to prove my point:

1. The well-intentioned conclusion that the evacuation was caused by "race prejudice" and "war hysteria" is almost comically false. It overlooks the most obvious fact that Japan launched a devastating surprise attack on Pearl Harbor, killing thousands of American soldiers and that it aroused a thunder storm of national outrage. It is a natural human reaction, unfair as it may seem, for anger to be directed against nationalities of countries that resort to such ruthless tactics, regardless of race!

2. The implication that the whole evacuation process was an unmitigated evil is patently untrue. Any group picture of people in relocation centers shows smiling, carefree faces.

A crucial unanswered question is: Would Japanese Americans on the whole have suffered less if they had remained in hotbeds of anti-Orientalism instead of being moved to the safety and relative comfort of the centers? As pointed out in my article in the UMR, living in a convivial atmosphere with other Japanese American had many advantages over existing in a bitterly hostile environment for the duration of the war.

3. Little credit is given to the extraordinary effort by untold thousands of Caucasians to help Japanese Americans throughout this trying period. Uprooted Americans, a story of the evacuation by Dillon S. Myers, director of the War Relocation Authority. gives a truer picture of the Japanese American experience.

The question of monetary redress should be left to the good judgment of honorable members of the Senate and the House of Representatives. Undoubtedly, innocent evacuees had considerable financial losses and have suffered deeply from being branded "national security risks" and incarcerated in remote inland camps. Even a token payment would assuage the terrible hurt, which lingers in the subconscious, even 40 years afterwards.

But, as a combat veteran, I oppose such awards at the price of defamation of my country. And I am sure that the large majority of Japanese Americans feel the same!

I urge this committee to categorize the CWRIC report as a liberal point of view of the evacuation, prepared by researchers from hearsay evidence. Its doctrinaire findings should be balanced by two more authoritative books by men who wrote from personal experience: 1. Nisei, the Quiet Americans, by Bill Hosokawa,

Mas Odoi
1523 Plaza Del Amo
Torrance, CA 90501

who was evacuated to Heart Mountain Relocation Center from Seattle,Washington and 2. The aforementioned Uprooted American, by Dillon S. Myers, Director of the War Relocation Authority.

B. The Community Benefit Redress Plan

This redress plan, described in the enclosed letter to the Gardena Valley News, may be summarized as follows:

1. All former evacuees receive credit for $10,000, paid in installments of $1,000 a year for ten years, which can be donated to established charitable, religious, or public service organizations of their choice.

2. A token monetary award be given to each evacuee, the amount to be determined by Congress.

Most responsible Japanese Americans favor some type of community fund for redress. But it is almost impossible to fairly allocate the money to the hundreds of organizations around the country.

It is a simple matter to have evacuees determine where the money should go. The results can be computerized; and a single check can be sent to receiving institutions periodically.

It is only common sense that a mature group, like Japanese American evacuees, should be given an opportunity to help decide what kind of redress they should receive. It is doubtful if the statements of pro-redress leaders reflect the feelings of the majority, because they enjoy the most minimal support from the evacuees themselves!

It should not be difficult to send an official questionaire to every evacuee to find a concensus of opinions. The Japanese American communities can be asked to inform the people of the pros and cons of various redress plans.

From the response, Congress can develop equitable legislation that is satisfactory to all persons concerned, including the American people.

Mas Odoi
1523 Plaza Del Amo
Torrance, CA 90501

Testimony of Mas Odoi, page 4

CONCLUSION

It is difficult to disprove the mountain of misinformation regarding the complex issue of evacuation in a few pages. The bottom line is: How do the majority of Japanese Americans feel about the evacuation and redress?

A simple, unsigned questionaire, sent to all Japanese American evacuees would provide more valid answers than the millions of words, written and spoken, on this subject!

May I urgently request this committee to take such action; so that the issue which has sundered the Japanese American community can at long last be resolved!

Sincerely,

Mas Odoi
1523 Plaza Del Amo
Torrance, CA 90501
Phone: (213) 618-1835

Mas Odoi
1523 Plaza Del Amo
Torrance, CA 90501

of individuals from within the Asian American community—performers, musicians, technical advisors, administrative helpers, community organizations, etc. The making of this film has been an unforgettable experience, one we shall cherish, along with the many new friendships developed from the corperative efforts of so many fine people.

We also wish to publicly express our continuing admiration for John Korty, who produced and directed the film. It was our belief from the beginning that his exceptional honesty and sensitivity made him the ideal director, and that belief has been strengthened during the past two years.

It is a great misfortune that he has been libeled in print, called a "white racist" and viciously linked with the Nazi party and the Ku Klux Klan. This is an unjust assessment of a man with such high professional, moral and aesthetic standards. In addition to his years of film-making experience he brought a great deal of humanity and compassion to the difficult task of adopting our book into film.

My sisters and brothers and other relatives of the Wakatsuki family have also expressed their confidence that John Korty made every effort to do an honest film. If my parents were living, I know that they too would be proud of the result.

Like any film, of course, this one will be subject to criticism. We sincerely hope that each viewer will be the ultimate judge of its values and merits, keeping in mind that it is a drama, not a documentary, and that it is not intended to be the story of every Japanese American family. It is only the story of one family. Some of the experiences depicted will surely be familiar to many former internees; but in no way was it intended that the book or the screenplay be representative of all the families interned during these years.

Indeed, there are many more and many different kinds of stories to be told before the full meaning of the internment years is brought to light. It is our hope that this film will lead to other accounts from that crucial era of our common past.

JEANNE WAKATSUKI
HOUSTON

Santa Cruz, Calif.

'Concentration Camps'

Editor:

I can understand both viewpoints regarding application of the term, "concentration camps", to the so-called relocation centers of WW2.

Semanticist Hayakawa is correct in his statement to the effect that "concentration camps" in the minds of the vast majority of U.S. citizens is substantially different from [illegible] "I certainly hope it wasn't the same, but that's still terrible! How could such a thing happen in this country.".

In my opinion and experience, to convey erroneous impressions intentionally to, perhaps, gain greater sympathy or shock effect will invariably cause a "backlash" or antagonism for having lied. I feel justified to consider an intentional misrepresentation as a lie.

Webster's dictionary as it stands now is a very poor source for defining the generally accepted vision of "concentration camp". Hayakawa is understandably concerned with semantics and does not deserve the heated attacks made by some JACL members. (The attack on him regarding the subject of reparations is another matter. We have embraced, contrary to Dr. Hayakawa, the good ol' American philosophy that enough money pay off soothes all conscience and hurt.)

How about all agreeing to the term, "detention camps"? Peace!

I would like to hear Shig Sugiyama break his silence on this issue of terminology. Right is right, regardless of the source.

RICHARD KAWANISHI,
CPA

St. Louis, Mo.

E.O. 9066 Rescinded

Editor:

Rescinding Executive Order 9066 is but the first step in correcting the injustice of the forced relocation of loyal Japanese Americans from the Pacific Coast states during World War II.

Now the JACL should move swiftly to obtain financial redress for the substantial losses that we suffered.

May I suggest that Congress should pass a law disbursing $1,000 to all evacuees and to those who relocated voluntarily during this period, regardless of age or citizenship. If deceased, payment can be made to heirs.

There are many advantages to this plan, some of which are:

1—It can be easily implemented. Many congressmen and other public officials have favored such restitution; but they could not take action because we have not presented a workable plan which has the general approval of the evacuees.

2—The cost is not excessive, and almost all of the benefits will go directly to evacuees, with minimal administrative costs.

3—It will benefit the Japanese American community in many ways. Some funds could be donated to worthy public service organizations.

There are details to be ironed out; but little can be gained by temporizing any longer. Of what value is larger sums if we are dead and buried by the time we receive them?

MASARU ODOI

Gardena

The PC Observer

Printed in the Pacific Citizen
244 S. San Pedro St.
Los Angeles, CA 90012
Phone: (213) 626-6936

Date: March 19, 1976 -

Mas Odoi
1523 Plaza Del Amo
Torrance, CA 90501

Letters to the Editor

Redress plan

EDITOR—Four decades ago, Japanese Americans turned a crushing disaster into a crowning triumph!

Object of suspicion and hatred because of the surprise attack on Pearl Harbor by Japan, we were moved en masse from the Pacific coast. We were dispossessed of home, property, and freedom without due process of law and placed behind barbed wire in isolated wastelands.

But we did not lose faith in America. Our young men enlisted in the army from the relocation centers and proved with their blood that "Americanism is a matter of heart and mind, not of race or ancestry!"

Today, we Niseis have another opportunity to demonstrate our devotion to the highest ideal of Americanism!

As bills for redress for our evacuation are being considered in Congress, let us put the welfare of our country above our own. Instead of demanding multibillion dollars of personal restitution, let us put our emphasis on benefiting our communities.

There have been favorable comments on the following redress proposal:

1. All Japanese Americans who were forced to move from the Pacific Coast states during World War II receive credit for $10,000, which they can donate to any established religious, charitable, or public service institution. If granted in installments of $1,000 a year for 10 years, it will be a minimal drain on our national budget, yet have maximum value for worthy causes we espouse.

2. In recognition of the injustice and the considerable losses suffered, each evacuee receives a token monetary award, the amount to be determined by Congress. This plan would help us demonstrate our love for our fellow Americans and set an example of selflessness to our litigation minded legal system.

Because the sufferer of injustice has the right to dispose of his claim as he sees fit, this plan can be implemented only if approved by the majority of Japanese American evacuees. The Gardena Valley News can perform an invaluable service by sponsoring such a newspaper poll for its readers. Participation by non-Japanese Americans of our multiracial city would help us gauge the reaction of the country as a whole to the redress question.

Enclosed is a suggested poll, which offers alternatives to those who favor redress.

Making an effort to find equitable solutions to this matter would be a fitting tribute to our brothers, who gave their lives for their country — and for ourselves!

—MAS ODOI
Torrance

Redress poll

1. Do you favor monetary redress for Japanese American evacuees of World War II? ☐ Yes ☐ No.

Remarks: ____________________

2. Check squares below to indicate approval:

A. ☐ Personal monetary redress of $......

B. ☐ Community benefit plan.

1. ☐ Each evacuee receive credit for $..... a year for ... years to be donated to any charitable, religious, or public service organization of his choice.

2. ☐ Token monetary compensation be awarded to each evacuee, the amount to be determined by Congress.

C. ☐ Other redress plans: ____________________

Remarks: ____________________

(Non-Japanese Americans are invited to register their opinions.)

Information about responder:

Japanese American ... Non-Japanese American ... Former evacuee ....

SEND TO:
Gardena Valley News
P.O. Box 219
Gardena 90247

Mas Odoi
1523 Plaza Del Amo
Torrance, CA 90501

UNITED METHODIST REPORTER
JULY 15, 1983

Here I Stand

Efforts to redress the suffering of Japanese-Americans unneeded

By MAS ODOI

Christian America has ALWAYS maintained a high level of conduct since its birth 200 years ago. Purported evils of the past, such as slavery, Indian wars, and the evacuation of Japanese Americans from the Pacific Coast during World War II are understandable human mistakes, when the whole truth is brought out.

Recently the Commission of Wartime Relocation and Internment of Civilians has issued a report, labeling the evacuation as a "grave injustice" brought on by "race prejudice, war hysteria, and failure of political leadership." As a former evacuee and Purple Heart veteran of the 442nd Regimental Combat Team, may I briefly point out the following:

1. Thousands of Japanese Americans enlisted in the U.S. Army from relocation centers during that period and served with distinction in the European and Pacific theater of war. The 442nd RCT, with a normal complement of 4,500 men, received over 15,000 citations, including 9,486 Purple Hearts. Sadao Munemori from California won the Congressional Medal of Honor, posthumously. What prompted these men, dispossessed of property, freedom, and rights of citizenship, to demonstrate such devotion to America?

2. A devastating surprise attack, like the bombing of Pearl Harbor by Japan, will arouse disaffection against any nationality — white or non-white. It is stretching the point to call this normal reaction "racism."

3. It is a harsh fact of life that in a war for survival hate campaigns must be instituted to unify the country and transform millions of peace-loving young men into do-or-die heroes. To dismiss this surge of patriotism, which enabled us to gain the victory, as "war hysteria" is incorrect.

Unfortunately, loyal Japanese Americans suffered from being identified with the enemy, because they had been too young to have established their loyalty.

4. Workaholic Japanese farmers offered tough competition, especially during the Great Depression, so agricultural interests combined with nationalistic groups to raise such a hue and cry about evacuating Japanese that it was seriously hampering the war effort.

5. There was real danger of kamikaze soldiers making commando raids on the expanse of our poorly defended Pacific Coast and causing extensive damage and loss of life. The ease with which Japanese armies attacked and conquered Allied strongholds thousands of miles apart, simultaneously, proved their capability of doing so.

Position was untenable

6. Many Japanese breadwinners had lost their jobs or were interned, so their families were suffering economic hardship. There were cases of attacks against Japanese, including a few who were shot on their farms by irate Caucasians. Their position in hotbeds of anti-Orientalism, like California, would have become untenable as the progress of the war brought increasing casualties.

A frequently overlooked consideration is that schoolchildren, who must face hostility daily, would have suffered irreparable psychological damage in the long years of the war.

According to the Commission on Wartime Relocation and Internment of Civilians report, "'protective custody' is not an acceptable rationale for exclusion." From a practical point of view, however, it may have been the prudent thing to do.

7. The government had the right to detain Japanese immigrants, because they were technically "enemy aliens." The large majority of Japanese Americans were minors, so they would have to accompany their parents. The adult citizens may have been included in the removal order because President Franklin D. Roosevelt deemed it a practical necessity.

8. Clearly, the purpose of the evacuation was to move everyone of Japanese ancestry from the Pacific Coast to be resettled in the east — NOT to detain them for the duration of the war. The "relocation centers" in which they were gathered certified their loyalty to insure acceptance in the new communities to which they moved.

The derogatory, misleading term, "concentration camp," used by proponents of redress, gives a totally false picture of these centers. Tens of thousands of evacuees, including loyal Japanese nationals, moved to permanent homes outside the restricted zones. The War Relocation Authority made every effort to make the residents as comfortable as possible, despite shortages caused by world conflict.

When the war was over, Dillon S. Myer, Director of WRA, was honored by former evacuees for his humanitarian work on their behalf.

Evacuees accepted removal

9. There are clear indications that the evacuees themselves accepted the inevitability of their removal from the Pacific Coast, given the climate of the times.

a. Out of 110,000 evacuees, only one person, Fred T. Korematsu, resisted the order to move.

b. 40 years elapsed between the event and the clamor for redress, because there was little active support from the victims themselves — the Japanese immigrants (Issei) and their American children (Nisei). It had to await the maturation of the third generation (Sansei) and the younger Nisei, whose indignation at reading about the "mistreatment" of their parents and grandparents, provided the impetus for the redress movement.

c. Views of moderate Japanese Americans are not being heard because of intimidation by the extremists.

Humiliation not minimized

All of the above does not minimize the shock and humiliation felt by innocent Japanese Americans on being declared "national security risks," uprooted from their homes and confined behind barbed wires like criminals. Even decades later, the traumatic pain of rejection and disillusionment smoulders in the subconscious like latent volcanoes, ever ready to erupt into tears.

All families sustained considerable financial losses, for which they were inadequately compensated. Some suffered heart-rending tragedies as a result of the evacuation. Nevertheless, undaunted youths — many still in their teens — joined the 442nd RCT and dramatized as never before that "Americanism is a matter of heart and mind not of race or ancestry!"

It is understandable that William M. Hohri's bitterness at the internment of his Methodist father, the Rev. Daisuke Hohri, has caused him to institute a class action suit, seeking $24 billion for the evacuation. But his action, as referred to in the Reporter earlier this year, represents a microscopic minority.

Japanese Americans rose from total poverty, caused by the war, to a position of affluence and respect within two decades. The vast majority are deeply thankful that their faith in America and the American people, tested during the despairing years of the 1940s, has been redeemed beyond their fondest dreams!

"God bless America, my home, sweet home!"

Mas Odoi
1523 [illegible] Del Mar
[illegible], CA 92551

Senator **Stevens**. Mr. Dennis Hayashi.

TESTIMONY OF DENNIS HAYASHI, ATTORNEY, ASIAN LAW CAUCUS, INC., OAKLAND, CA

Mr. **Hayashi**. My name is Dennis Hayashi. I am an attorney with the Asian Law Caucus, Inc., in Oakland, CA.

I am also cocounsel for Mr. Fred Korematsu, and am here today to testify on behalf of the Committee to Reverse the Japanese-American Wartime Cases.

Our committee includes various attorneys in the San Francisco-Bay area, Portland, OR and Seattle, WA.

It was formed in 1982 after Government documents were discovered by Professor Peter Irons now at the University of California, San Diego, indicating that top Government officials and attorneys in the Justice Department, were aware at the time of the Japanese-American internment, that no military necessity existed to justify the implementation of Executive Order 9066, Public Law 503, or subsequent military orders.

More striking, however, was the evidence in Government documents which showed that these same officials and attorneys, had taken a great interest in three legal cases involving Japanese-Americans which eventually ended up in front of the U.S. Supreme Court. Those cases involve Gordon Hirabayashi, Minoru Yasui, and Fred Korematsu, who resisted internment and became defendants in the Supreme Court cases upholding the constitutionality of the camp.

The documents discovered showed that during the prosecution and appeals of these cases, Government officials suppressed, altered and destroyed key evidence of lack of military necessity in order to influence the Supreme Court's decision.

Based on these discoveries, our committee came together to attempt to reopen these cases by seeking to vacate the convictions of Mr. Hirabayashi, Mr. Korematsu, and Mr. Yasui.

In order to do so, the committee set about researching and preparing petitions for writs of error coram nobis, such writs which are relatively obscure, are utilized to legally vacate criminal convictions which are manifestly unjust.

The full factual basis for the petition is extremely lengthy, and I don't intend today to expound on all of the details. I have submitted a copy of the petition filed on behalf of Fred Korematsu to be included in the record of these hearings as well as a copy of the Government documents substantiating our case.[7]

I will, however, just touch on a couple of key facts.

It should first be remembered that when the Supreme Court upheld the convictions of Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui, it held that the Government measures aimed at Japanese-Americans were justified by military necessity.

Such findings of military necessity were based on Government representations that Japanese-Americans were committing espionage and sabotage by such acts as signalling enemy ships from shore.

---

[7] The following document submitted by the witness is on file with the subcommittee: *Fred Toyosaburo Korematsu* v. *United States of America* Petition for Writ of Error Coram Nobis, 110 pages.

The Court also accepted Government arguments that the loyalty of Japanese-Americans were such that because of racial characteristics.

All of the above Government evidence was contained in an official document called "The Final Report," issued by Lt. Gen. John L. DeWitt, the Commander on the west coast who issued the exclusion orders.

These so-called facts were repeated often verbatim, in briefs presented to the Supreme Court by the Justice Department and the attorney generals of California, Oregon, and Washington.

However, at the same time such charges were made, the Justice Department and the War Department were aware of high-level reports from the Office of Naval Intelligence, the FBI, the Federal Communications Commission, and the Army's own Military Intelligence Division, which directly refuted allegations of espionage and sabotage.

These reports were withheld from the Supreme Court.

One example of the importance of these reports to the legal cases against Hirabayashi, Yasui, and Korematsu, involve the report from the Office of Naval Intelligence by Lieutenant Commander Ringle, concluding that Japanese-Americans were as a group, loyal. He stated, "The entire Japanese problem has been magnified out of its true proportions largely due to the physical characteristics of its people."

While drafting the Justice Department's brief to the Supreme Court in the *Korematsu* case, Edward Ennis, an attorney in the Justice Department, advised Solicitor General Charles Fahy, of the Department's obligation to produce such evidence to the Court. He said:

> I think we should consider very carefully whether we do not have a duty to advise the Court of the existence of the Ringle memorandum, and of the fact that it represents the view of the Office of Naval Intelligence. Any other course of conduct might approximate a suppression of evidence.

This evidence, however, was not produced, nor alluded to in our argument to the Court. Neither were reports by the FBI or FCC which also refuted purported espionage, and all of which undermine the credibility of General DeWitt's final report.

Indeed, an attempt was made to advise the Supreme Court that Justice Department attorneys did not fully believe the final report to be credible. John L. Burling, Assistant Director of the Alien Enemy Control Unit of the Justice Department, originally inserted a footnote in the Government's Korematsu brief alerting the Court that DeWitt's allegations of espionage, were "In conflict with information in the possession of the Department of Justice."

Members of the War Department, in particular, Capt. Adrian Fisher, persuaded the Justice Department to remove the footnote from the brief. Thus, by failing to advise the Supreme Court of evidence contradicting the final report, the Government misled the Court as to its voracity.

Based on some of the above evidence, our committee filed petitions for coram nobis in January 1983 in the district courts of Washington, Oregon, and the Northern District of California.

It is interesting to note that prior to the court reaching a decision in Northern California, the Government attorney in our case, offered Fred Korematsu a pardon if he would drop the petition.

When he explained this to Mr. Korematsu, his first reply was that the Government should not be offering to pardon him, but asking that he should pardon the United States.

On November 10, 1983, Judge Marylin Patel of the Northern District of California vacated Mr. Korematsu's conviction.

Mr. Yasui's conviction, contrary to Mr. Kane's previous testimony, was vacated and not dismissed in Oregon on January 26, 1984.

Gordon Hirabayshi's petition is still pending.

Subsequently, on April 19, 1984, Judge Patel issued a written opinion explaining the basis for vacation of Mr. Korematsu's conviction. Her opinion carried great importance, for it represented the first time that the judicial system had confronted its previous validation of the exclusion and internment.

First, Judge Patel noted the report of the Commission on Wartime Relocation and Internment of Civilians, recognizing that since the Commission was a trustworthy body, the Court could rely on its conclusions that no military necessity warranted the exclusion and detention of Japanese-Americans, and that the incarceration was a grave injustice.

Second, Judge Patel reviewed the evidence we had presented substantiating that lack of military necessity, and the attempts by the Government to suppress such evidence. She concluded that, "The Government knowingly withheld information from the Supreme Court when it was considering the critical question of military necessity."

Her opinion states that the information withheld was peculiarly within the Government's knowledge, and that, "The Court was dependent upon the Government to provide a full and accurate account. The judicial process is seriously impaired when a Government's law enforcement officers violate their ethical obligations to the Court."

Judge Patel concluded that although the original *Korematsu* decision remains as a legal precedent with very limited application, it stands most importantly as a historical precedent that "In times of distress, the shield of military necessity and national security, must not be used to protect Governmental actions from close scrutiny and accountability."

Because of Judge Patel's decision, Fred Korematsu, 40 years later, stands legally vindicated. But what of the others who were excluded from the west coast, or spent time in the concentration camps because of this military necessity?

Their vindication lies in a positive gesture on the part of this Government to compensate them monetarily for their unjustified and unconstitutional losses.

There remains those today, from those speaking here, to John J. McCloy, who in spite of all the contrary evidence, continues to raise the specter of military necessity which never existed.

Mr. Chairman, the Committee to Reverse the Japanese-American Wartime Cases, urges the Senate to view the evidence clearly, and to quickly, with all deliberate speed, pass Senate bill 2116.

Thank you.

Senator **Stevens**. Were the MAGIC dispatches at all involved in your litigation?

Mr. **Hayashi**. In our litigation in the *Korematsu* case, the U.S. attorneys had indicated to us that they were prepared to present the MAGIC cables to Judge Patel, however, at the end, the U.S. Government for whatever reason, did not produce that evidence.

I understand, however, that with regard to Gordon Hirabayashi's petition which is now pending in Seattle, he is going to be scheduled for a factual hearing sometime in June 1985 at which time they are anticipating that the Government will present the MAGIC cables for scrutiny by that court.

Senator **Stevens**. Thank you very much. A very interesting presentation.

[Mr. Hayashi's prepared statement follows:]

TESTIMONY OF THE COMMITTEE TO REVERSE THE JAPANESE AMERICAN WARTIME CASES IN SUPPORT OF S. 2116

Submitted to the U.S. Senate Governmental Affairs Subcommittee on Civil Service, Post Office and General Services.

August 16, 1984

Summary of the Testimony of the Committee to Reverse the Japanese American Wartime Cases

The Committee to Reverse the Japanese American Wartime Cases' (CRJAWC) testimony will center around the petitions for writs of error coram nobis filed by Fred Korematsu, Gordon Hirabayashi, and Minoru Yasui to vacate their convictions for violations of military exclusion and curfew orders promulgated pursuant to Executive Order 9066 and Public Law 503. The CRJAWC will focus on recently discovered evidence that top government officials knew at the time they prosecuted Mr. Korematsu, Mr. Hirabayashi, and Mr. Yasui that their arguments that internment was justified by military necessity was extremely questionable, at best, and more likely completely inaccurate.

In addition, the CRJAWC will present a summary of the opinion of Judge Marilyn Patel of the Northern District of California, which explains that Judge Patel vacated Mr. Korematsu's conviction on the basis of government misconduct in the original prosecution and appeals of his case, as well as raises questions about the continued validity of the Supreme Court case bearing his name.

Mr. Hirabayashi's petition is set for a hearing in June, 1985.

What follows below is a brief summary of some of the key evidence contained in the coram nobis petitions documenting government misconduct in proceeding with prosecutions known to be factually unsupportable. In addition, key sections of Judge Patel's written opinion are summarized because of its significance as the first attempt by the judicial system to confront the serious constitutional and human rights violations previously validated by the courts.

Summary of Petition For Writ of Error Coram Nobis

In 1943 and 1944, the convictions of Fred Korematsu, Minoru Yasui, and Gordon Hirabayashi for violations of military exclusion and curfew orders were appealed to the United States Supreme Court. In a series of unprecedented decisions, the high Court held that the exclusion and internment of Japanese Americans en masse was justified by military necessity. (Hirabayashi v. United States, 320 U.S. 81 (1943); Yasui v. United States, 320 U.S. 115 (1943); Korematsu v. United States, 323 U.S. 214 (1944)).

The finding of "military necessity" by the Court was based upon government representations that Japanese Americans were committing espionage, and sabotage by signalling enemy ships from shore.

The Court also accepted government arguments that the loyalty of Japanese Americans was suspect because of the racial characteristics of the population. ""[W]e cannot reject as unfounded the judgment of the military authorities and that of Congress that there were disloyal members of [the Japanese American] population whose number and strength could not be precisely and quickly ascertained," wrote the Court in the Hirabayashi decision.

The allegatiins of espionage, sabotage and disloyalty were contained in an official document entitled the Final Report, issued by Lt. General John DeWitt, Commander on the West Coast, who ordered the evacuation and internment. These allegations were 'repeated often verbatim in the Court briefs of the Justice Department and the Attorneys General of the States of California, Oregon and Washington.

In their recent petitions, Yasui, Hirabayashi and Korematsu charged that the Justice Department and the War Department were aware of high level reports from the Office of Naval Intelligence, the FBI, the FCC, and the Army's own military Intelligence Division (G-2), which directly refuted the espionage, sabotage, and disloyalty allegations. These reports, which undermined the "military necessity" claims, were withheld from the Supreme Court.

As one example, the Office of Naval Intelligence conducted a two-year study of the West Coast Japanese American population. Authored by the ONI authority on Japanese, Americans, Lt. Commander Ringle, the report concluded that only a small and readily identifiable portion of the Japanese American people were even potentially disloyal. "The entire Japanese problem has been magnified out of its true proportion largely due to the physical characteristics of the people," wrote Ringle in February of 1942.

Edward Ennis, Director of the Enemy Alien Control Division of the Justice Department and the attorney responsible for supervising the drafting of the Justice Department briefs to the Supreme Court, advised Solicitor General Charles Fahy in April of 1943 that:

> "We must consider most carefully what our obligation to the Court is in view of the fact that the responsible Intelligence Agency regarded selective evacuation as not only sufficient but preferable [to mass evacuation]. I think we should consider very carefully whether we do not have a duty to advise the Court of the existence of the Ringle memorandum and of the fact that it represents the view of the Office of Naval Intelligence... Any other course of conduct might approximate the suppression of evidence."

This evidence, however, was never produced.

Similarly, in response to a request by Attorney General Francis Biddle to verify the accuracy of the Final Report, J. Edgar Hoover wrote in FEbruary 1944: "Every complaint [of shore to ship signalling and radio transmissions] has been investigated, but in no case has any information been obtained which would substantiate the allegation that there has been illicit signalling from shore to ship..."

A Request to James Fly, the Chairman of the FCC, about such activities, brought the following response: "There were no radio signals...which would not be identified, or which were unlawful."

In a February 1944 memo to Attorney General Biddle, Ennis wrote: "[[The Final Report] stands as practically the only record of causes for the evacuation and unless corrected will continue to do so. Its practical importance is indicated by the fact that it is being cited in the briefs in the Korematsu case in the Supreme Court..."

Another Justice Department attorney, John Burling, wrote in a memo to Assistant Attorney General Herbert Wechsler: "You will recall that General DeWitt's report makes statements concerning radio transmitters and ship to shore signalling which are categorically denied by the FBI and the Federal Communications Commission. There is no doubt that these statements are intentional falsehoods..."

Ennis also wrote to Wechsler: "The general tenor of the [Final] Report is not only that there was a reason to be apprehensive, but also to the effect that overt acts of treason were being committed. Since this is not so it is highly unfair to this racial minority that these lies, put in an official publication, go uncorrected.

This is the only opportunity which this Department has to correct them."

Another act of misconduct involved revision of an initial draft of General DeWitt's Final Report to more closely reflect the government's desired political position rather than facts as they existed. The first version of the Report stated that mass evacuation was necessary not because there was insufficient time to make individual loyalty determinations, but because it was "impossible" to separate the loyal from the disloyal no mattter how much time was taken in the process.

The Justice Department had consistently argued to the Court that mass evacuation was necessary precisely because there was insufficient time to hold individual hearings. War Department officials were also concerned that the Supreme Court might view DeWitt's position that it was "impossible" to determine the loyalty of Japanese Americans as racist.

The Report was altered, the original Final Report was burned, and records indicating the issuance of the first Final Report were destroyed to conceal its existence.

Perhaps most disturbing, however, was that after receiving the reports by the Federal Bureau of Investigation and the Federal Communications Commission refuting the allegations of military necessity, John L. Burling, Assistant Director of the Alien Enemy Control Unit of the Justice Department inserted a footnote in the government's Korematsu brief to the Supreme Court, which was subsequently withdrawn. The footnote alerted the court that the Justice Department possessed information which contradicted the military necessity allegations contained in General DeWitt's Final Report, particularly those referneces in the Report to illegal radio transmissions and shore-to-ship signalling by Japanese Americans:

> The Final Report of General DeWitt (which is dated June 5, 1943, but which was not made public until January, 1944) is relied on in this brief for statistics and other details concerning the actual evacuation and the events that took place subsequent thereto. The recital of the circumstances justifying the evacuation as a matter of military necessity, however, is in several respects, particularly with reference to the use of illegal radio transmitters and to shore-to-ship signaling by persons of Japanese ancestry, in conflict with information in possession of the Department of Justice. In view of the contrariety of the reports on this matter we do not ask the Court to take judicial notice of the recitals of those facts contained in the Report.

Before the brief was submitted, however, War Department officials intervened and urged removal of the footnote. As a result of this intervention, the Solicitor General directed that the footnote be revised. Since the Korematsu brief failed to advise the Court of the falsity of DeWitt's claims, it misled the Court as to their veracity.

These are some of the key acts of misconduct engaged in by government officials during the course of the petitioner's trials. After reviewing the above evidence, Judge Marilyn Patel of the Northern District of California vacated Mr. Korematsu's original conviction and explained her action in a written opinion.

Summary of Judge Patel's Opinion

On April 19, 1984, Judge Patel issued a written opinion in which she explained the court's reason for granting Fred Korematsu's petition to vacate his 42-year old conviction. Although Judge Patel's opinion dealt at length with some procedural issues unique to this case, what is of interest to this Subcommittee are her comments on the Report of the Commission on Wartime Relocation and Internment of Civilians (CWIRC) and on the evidence presented in Mr. Korematsu's petition.

With regard to the CWIRC Report, Mr. Korematsu had requested that the court, in its consideration of evidence relevant to his petition, take judicial notice of the Report's factual findings and its conclusions. According to Judge Patel's opinion (pp. 17-19), the court took judicial notice of the general conclusions contained in the CWRIC report. Those conclusions were as follows:

1. At the time of the executive and military orders, there was substantial credible evidence from a number of federal civilian and military agencies contradicting the report of General DeWitt that military necessity justified the exclusion and imprisonment of Japanese Americans;

2. Military necessity did not warrant the exclusion and detention of Japanese Americans;

3. The broad historical causes which shaped the decisions were race prejudice, war hysteria and failure of political leadership;

4. As a result, "a grave injustice" was perpetrated on Japanese Americans.

In taking notice of the report's conclusions, the court was not saying that it deemed those conclusions to be correct. It was saying, however, that the court recognized that the CWRIC was a trustworthy body. Those conclusions could therefore be relied upon to support the court's finding that manifest injustice would occur if the petition were not granted.

Judge Patel then turned her attention to the evidence of government misconduct and corresponding documents indicating the lack of military necessity to justify the internment (pp. 20-24). After reviewing the World War II government documents, Judge Patel concluded that "the substance of the statements contained in the documents and the fact that the statements were made demonstrate that the government knowingly withheld information from the Supreme Court when it was considering the critical question of military necessity". The document cited in the opinion as most reflective of this suppression of evidence was the footnote which conscientious attorneys within the Department of Justice attempted to insert in the draft of the government's Korematsu brief. As explained above, the footnote was designed to alert the Supreme Court to the Justice Department's possession of evidence which directly refuted Commander DeWitt's statements about the existence of espionage. That footnote was altered at the War Department's insistence to eliminate reference to contradictory material.

Judge Patel's decision to grant the petition also rested on the other evidence submitted along with the petition. Judge Patel referred to such evidence as a "record...[so] replete with protestations of various Judge Department officials that the government had the obligation to advise the courts of the contrary facts and opinion". The opinion quotes one memorandum which points out the "willful historical inaccuracies and intentional falsehoods" contained in the DeWitt report. These omissions were considered critical by Judge Patel because the World War II courts were attempting to determine if those charged with the responsiblity of our national defense had reasonable grounds for believing that the threat of espionage and sabotage was real.

These omissions by the government, including its failure to cite the ONI, FBI and FCC reports which directly contradicted General DeWitt's statements, meant that the Supreme Court had before it a selective record.

In her conclusion (pp. 26-28), Judge Patel summarizes the significance of the above evidence, stating:

> [The government deliberately omitted relevant information and provided misleading information in papers before the [Supreme] court. The information was critical to the court's determination... because the information was of the kind peculiarly within the government's knowledge, the court was dependent upon the government to provide a full and accurate account...The judicial process is seriously impaired when the government's law enforcement officers violate their ethical obligations to the court.

Although acknowledging that her decision could not directly overturn the Supreme Court's 1944 Korematsu decision, since a writ of coram nobis can only correct errors of fact and not law, Judge Patel does note that the decision is deemed to be an "anachronism" and "overruled in the court of history". Her opinion eloquently summaries the Korematsu decision current status:

> Korematsu remains on the pages of our legal and political history. As a legal precedent it is now recognized as having very limited application. As historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees. It stands as a caution that in times of distress the shield of military necessity and national security must not be used to protect governmental actions from close scrutiny and accountability. It stands as a caution that in

> times of international hostility and antagonisms our institutions, legislative, executive and judicial, must be prepared to exercise their authority to protect all citizens from the petty fears and prejudices that are so easily aroused.

Conclusion

In light of the above, the Committee to Reverse the Japanese American Wartime Cases recommends swift passage of S. 2116. Justice's true ends can be served only by such purposeful action.

COMMITTEE TO REVERSE THE JAPANESE
AMERICAN WARTIME CASES

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Senator STEVENS. Our next witness is Catherine Treadgold.

TESTIMONY OF CATHERINE TREADGOLD

Ms. TREADGOLD. Good afternoon.

I am Catherine Treadgold, and that is with a "C," and the last name is T-r-e-a-d-g-o-l-d.

Senator STEVENS. Thank you.

Ms. TREADGOLD. And I come to you as an authority; I will not give my opinion nor hearsay. They mostly gave opinion and hearsay.

I registered the Japanese at Sacramento, CA. I went to the Assembly Center with them, and I declare they were enmasse, disloyal.

I have proof of that, but I will not document as I talk. Anybody that wants to write to me for documentation, I am in the phone book in San Francisco. I wish to refute most of what you have just heard on the *Korematsu* case.

There are two things that common sense will clear that up. For instance, the footnote that he said they had hid and not told has been covered by Mr. Lowman's report. Those people and their opinions, they were not informed. I will give you an example of why their testimony was not particularly presented.

When the Army would bring into the room where I registered the Japanese before they went to any center, in the morning they would bring those to me upon whose ranches they had found the guns, the preparation for war, and in one case when they went in and searched a ranch and a home, they found nothing. But there was a little elderly grandmother lying on the bed there, and the Japanese said, please, don't move her, she is sick.

As an afterthought, they moved her and under her bed, and under the floorboards, were the caches of arms and the flags, and those people would be brought in before me to register ahead of the others. This was an Army action and an example of war time conditions wherein one branch of the Government or service may not know of the action of the other—as were the unused notes of the *Korematsu* case.

This brings me up to the second thought on the *Korematsu* case, and that is his petition his remarks in court were, that he had had a doctor alter his face so that he would not look Japanese and stand out back East. He said that he was going to be married to a Caucasian woman and they were going back East.

Now, the Caucasian woman is etheral. She has never materialized. I think it is the tooth fairy. He is looking for money. The only place where he would need a Spanish face was on the west coast; he would not have stood out where all the Japanese were going. Judge Patel was very ignorant not to have deduced that.

He had his face altered, the bridge of his nose and eyes to look Spanish, and he had gone to work in a war plant. That's exactly where he wouldn't dare look Japanese on the west coast. I hope that settles the *Korematsu* case, and by the way, it is still under appeal.

Back to what I intended to say, as an authority, I came face to face with the Black Dragon Society, talked to them, discussed things with them, and they were young Japanese my age. I said to one of them—I was a young married mother—I said to one, you don't speak good English and you were born here—of course they don't particularly honor another language—and I said you were born here, you went to Harvard, and you are my age, why don't you speak better English. He became angry and he jumped up and with his black eyes flashing, he said to me, I am an officer in the Imperial Army of Japan. So I stepped from the room and got an Army man and he ran and they caught him.

This was the main thing in dual citizenship. They had to serve and they did serve, and at that very moment that I was talking with him, they had the American citizenship boys killing our boys, and their money, right here, provided the planes that bombed Pearl Harbor. I was talking with them and they told me of the money they sent back to Japan.

For instance, I had three chairs in front of me. One Japanese sat down with his two sons and his young wife was expecting a baby, and holding a baby in her arms. There were 23 children. I said just a moment, this woman is too young to be the mother of 23 children, where is the mother of the children. He said wife number 1 is sick. I sent her back to Japan and sent for a second wife. Then he explained that his money was also going to Japan.

When they would come before me, I would ask them did they lease the land or own it. Very few, of course, owned land. There were reasons for that. They had ways and means of getting the land through organizations which involved Caucasians—I don't care to go into that.

Also, with this dual citizenship, and with their sons overseas—remember, 30,000 Japanese-Americans were in Japan at that moment, perfectly safe, and believe you me, there were not 30,000 Germans in Germany that were American citizens; there were not 30,000 Italians in Italy that held dual citizenship. In fact the Italians fell into a category all by themselves; they detested Mussolini falling for Hitler's flattery that he was the last of the great Romans.

Also, I got enough information from them that the head a lady from Washington, promoted me to the job of in charge of all German and Italian enemy alien travel permits. I did catch one German spy—I don't know how many got past me.

Before me came Jewish people. They were tattooed. It is an insult, it should be punishable by a fine to call what was in America, a concentration camp. Show me a tattooed Japanese from any of those centers.

Another thing on my job, I went to the Assembly Center with them and I carried the forms and I said to them, please, all you've got to do is sign loyalty. I was raised in the Midwest and at night in the summertime there are the most beautiful fireflies that come out—I tried to tell them, you know, I was young—and I wanted to show them the Christian way. I explained to them that back East they would like it, the Government would help them get work, and remember, that thousands of them had accepted that and many remained back there successfully. These were the ones that either could not afford to go, or were like Korematsu, would do most anything to stay and get in the war effort and wait for the invasion.

Now, how can I say they were waiting for the invasion?

Because out at that Assembly Center where there were thousands of Japanese, not one would sign. A group of very tall ones, young, my age, surrounded me. I had an interpreter. I said find out why they hang around all day—it was hot up there and hot in the sunshine. He came back and said they are arguing whether your hair is bleached, or you are a natural blond.

Now, that isn't true, I knew it was a lie, so I became rather suspicious of them. I said tell them to go away. They did. They moved away and here I must digress. The Government has failed to recognize the categories which is extremely significant. We didn't have just aliens and citizens, we had aliens, citizens, and thousands of the illegals.

Now, to show you the importance of the illegal Japanese, today, Mexico says that their illegals in this country provide one-third of all the income in their banks. Nobody would suspect an illegal in this country of being loyal to this country. You wouldn't even expect it of them. The Government has never considered the illegals.

Now, the alien had a passport. The illegals then had been counted in with the citizens, so your citizen was young, or a child, or where are your illegals because I registered them, I sent the information to Washington—they were here. What it meant to California—the California economy at that time—is fantastic.

When I came out from Missouri, I had never seen any Orientals in my life. I was fascinated and I admired them. They had a fruit and vegetable monopoly—and flowers. I would not have admired had I known then about the illegals. Our farmers never knew what hit them. They took those illegals and moved them from ranch to ranch with a truck working them, and we couldn't compete with that kind of slave labor. Who told me that? The illegals.

The moment this little group of Black Dragon Society, my age, American citizens, moved aside at my request, two illegals came up and through an interpreter they told me their story. They said the Japanese had come into Japan and had begged them to come to America, promised them they could make money here, be free and send back for a bride. They said they never let us do it. We are going to take a chance; if the Government will move us right now. And that right now was very important—if you look at the testimony of Mrs. Elaine Yoneda from San Francisco. I do not at any time like to hold hands or agree with a Communist, and she is an avowed Communist. She and her Japanese husband. She did tell it—I have to stand beside her—about the Black Dragon Society in her camp. In her camp the Black Dragon Society kept everybody in line for the Emperor, but they drew up a list and that list was 60 people that they thought might be loyal to America, and the Government honored that list and removed those 60 people and added 60 more.

Now, you can't argue with facts like that. That's their own figures on how many were loyal to America. And Mrs. Yoneda told it, however, she wants money.

Now then, when these Japanese came up and talked with me, I walked over and I said to these Black Dragon Society men that I knew now were the fighters, I said to them, why won't any of these people take the Government offer—and by the way, I must tell you, that the two illegals that could only sign an "X", they were taken and given jobs and they were moved and their way paid because they trusted the U.S. Government to do it.

When I said to the Black Dragon Society, why won't these people sign, it's a wonderful offer, nobody has to go to any center. In fact did you know the Government hadn't finished building the centers. When they went to the Assembly Centers, they were waiting—and by the way, I want to clear up something right here, about they said they were taken to horse stalls where they could smell the urine.

The Government completely renovated and cleaned those out, put in the proper kind of boards, put in hot and cold water and after the Japanese had left there, that emergency measure, our boys were sent there in training.

Now then, I was going to tell you, when I asked these Black Dragon Society why won't these people go, they said because we don't know who is going to win this war, and if Japan wins, we will be here to greet them.

Now, I want to tell you a little bit about what that means—"we will be here to greet them." That meant those arms caches weren't there for nothing. That meant they were clinging to a culture. I can best explain it in the words of a nurse—a Japanese nurse trained here, came up and said to me, this is the best thing that could happen to my people. Now they will break from the old culture.

But Time magazine, August 1983, says they have returned to the worship of The Sacred Crane, the Emperor. This is not quite accurate. They never left it.

After the war was over, I rented a room to a young Japanese boy who had just come over. Typical of all Americans, I forgave and I forgot. I never even told my sons any of these things that I have told you today.

I rented and had in my home a boy going to college here, and one day I said, you know, Yoshi, it's a funny thing, you have better clothes, your leather shoes and everything. I said you come from a wealthy family. He said, yes, I do. I said then why would your family settle for a college here, why not somewhere like England. He said the first son is in education in England.

Now, the Statue of Liberty says send me your huddled masses and your poor. I tell you, they don't come over here from any huddled masses. They don't object to the culture they are leaving like the Russians would. They don't object like the people that came—the original Pilgrims that came here and found a vast void. There is no void here today; they come here backed by a Government. Before they speak English they buy the corner grocery store. And I don't mind that if it's legal. That's all right with me. But this is a continuation of Pearl Harbor.

I can give you—I told you no opinion—Russell Braddon, prisoner of war, has written "Japan against the World," and he was told that by one of his Japanese guards as he started to walk away, and was rescued and he said to Russell Braddon, well, we've only lost 4 years of a 100 year war against America. We will win the rest.

Now then, what are they doing on that war?

Industrially they have robbed IBM, our steel, they have paid the fines, our softwares, our kerosene lamp company back East, there are three cement companies up in Northern California suing them for unfair trade practices.

But the saddest thing I can say, when I read in the paper last week that three Japanese have announced that it is the Japanese duty to spread Japanese culture in America. They are forgetting an outstanding fact, that—well, not in my words, the words of Wendy Tokuda, our news announcer. She went to Japan and came back and she had a series showing why Japanese are superior. She said because of their 6,000 years of good family life and their many Gods, and to illustrate, had what looked like a bedsheet held by four poles, and she said if little children touch this God, they are safe.

I wish she would take a look at what is on our dollar, "In God we Trust." That is the God of Abraham, Isaac and Jacob with christianity optional. Our laws are based on the laws of Moses and our laws are so far superior, they exceed anything Japan has ever had.

At the time that Admiral Perry went over, if any seaman of another nation was cast ashore, they put him in a box until he died—this is what their Gods and their family life led them to, and on their family lives, I can document it, I can mail it to you. The Asiatic countries around there are begging them to keep their men home from the sex tours of the other countries. That's their family life.

I would tell you this: I have been asked over and over, what organization do you represent. I represent that same organization which defeated them at Pearl Harbor.

The one thing I want to dedicate, what I am saying here today, to young Japanese-Americans, there is a freedom in this land. When I went to school, I was told eternal vigilance is the price of liberty and if they permit the JACL to encumber their minds with race prejudice, and I can document that—a Japanese man in charge of electronics in Japan came over and he said they are turning out a superior product—this is quoted in the Wall Street Journal—because they are a pure blood and not mongolized as America.

Well, in the medical term, pure blood can be inbred and it can bring out characteristics repeatedly. The main thing for young Japanese America is to look at the JACL people, some of whom renounced their citizenship and went back to Japan, and then changed their mind and came back here and picked up what had been a very nice organization and took it in this direction.

If they can look and see that this can bring a whiplash, this can start a racism that has never existed.

In my home where I took the Japanese boy in whom I like very much, my sons, one of them now—I've got two sons quite successful in the business world—one of them said to me, mother, they are making a mistake. America likes them. It isn't true what they are saying. Why do they deceive their own children?

Well, over in Japan they have rewritten the 1900's, when they first went after Russia and then they took North Manchuria, then they went into Korea and occupied them for 35 years, stole the lacquer art from them and claimed it for themselves, and then they attacked China.

Remember, that was with American dollars and American boys.

Now then, when they did all of that, the thing I want to bring out here is that Americans forget and forgive, and my sons said, mother, we like them. He said that. Now all of this has raised up the question, are they returning to that type of thing, is this an attack? Do you know that the Commission stopped and took time on the taxpayer's dollar to ask the Japanese how they were coming along with Black reparation, and they announced 1 year ago that the Japanese sponsored Black reparations is 4.8 trillion. They are working on that next.

They also said they want Japanese cultures in every State of the Union—that's an interesting thing. I tell you they are promoting their culture. They do not amalgamate, they colonize, but America has no void. People must amalgamate here. We cannot have Voodooism coming in and letting that blend in with us. We cannot have the worship of many Gods because they forget that our President is sworn in on a book that says "Behold, I will have no other Gods before me," and they are not superior because of a piece of a bamboo pole which can be a God.

Now then, to show you what it means if they say, well, we are Christian. At the San Francisco hearing, Reverend Sano announced that the Japanese people don't—and he was saying it with tears in his voice and eyes—we don't want to be known as the chrysanthemum people anymore—I didn't know what that meant. I never knew they were the chrysanthemum people. He said we want back the samari sword in the center of our home as worship, and he is a Christian Minister.

I tell you, if they understand Christianity, that's not the voice of Christianity.

Now, I don't know how I have gone on the timing here, but I declare again, I am an authority. They did declare what they were doing to me because they had to. I registered them and I want the Government to consider the illegals.

Senator **Stevens**. Thank you very much. We appreciate it.

[The prepared statement of Catherine Treadgold follows:]

Prepared Statement of Catherine Treadgold

My job was to register Japanese aliens, citizens and illegals who lived in the Sacramento, CA area. Notices were posted on telephone poles for the varied areas to report. I had a desk and three chairs on the opposite side and there were two others doing the same job. In small rooms off to one side of the large room in which I worked were other Government paid employees who then told them the government options for the care of their cars, if they desired to store them on the arrangements which could be made with friends regarding property etc.

I learned how the Japanese remained loyal to the Emperor and old world culture and they told me of sending their money back to Japan. Through the use of the illegally-in-this-country-Japanese, the ones who leased land, I would truck them from ranch to ranch and thus they gained through literally slave labor a monopoly on the fruit and vegetable industry of California. They had to register and they had no passports. I learned how they were smuggled into this country and it included three ingenious ways.

The impact on our industries can only be fathomed by noting the impact of illegals coming from Mexico and the banks of Mexico stating that one third of their deposits are from the illegal Mexican workers in America! The difference is that the Mexicans can keep their moneys earned but these Japanese were brought over with promises of wealth and ability to send back for brides and then were not allowed to do so. This was told to me, when I tried to get them to go on their own, from the Assembly Center, into our other states and found that I needed an interpretor for these "illegals." Further, two of them, the only two Japanese that I could get to sign loyalty to our American Government, and whom the Government immediately provided transportation and money into other areas to be on their own, were bitter at the treatment from the Japanese who brought them over. A group of tall young Japanese-Americans stood around me all day and when I inquired why, they explained that they were arguing over whether I was a natural blond or if I bleached my hair, and of course, they lied, because these two illegals told me that "they are the fighters"—Black Dragon Society keeping the entire camp in line for the expected invasion and loyal to the Emperor. I accosted the group and asked them why all these thousands of people would not sign the paper and go free, on their own and they told me, "We do not know who is going to win this war and if Japan wins we will be here to greet them."

The Army some mornings would bring groups of Japanese to be registered in advance of the regular notice and it was explained to me that these had been found by the army to have weapons and preparations for war, with Japanese flags buried on the ranches or hidden in their houses. An outstanding case was one where the army could find nothing and had been beseeched to not move the aged, ill, grandmother. Just as they were about to leave one of the army officers changed his mind and ordered the woman lifted from the bed and under that bed, in a box buried under the floor was the caches of arms for war. That entire family and all on that ranch were brought in immediately.

The FBI had no part of this war time army effort and these matters were not relayed to the FBI which has left room for the big lies Japanese tell now, that the FBI had cleared out all suspects, and given the rest a clean bill of health.

During the registering period I learned these young men were all trained in the army of the Emperor and one such became angry with me when, noting he was about my same age and had been born here and attended Harvard but could not speak English well I asked him for an explanation. He jumped up and with black eyes flashing told me he was, (in his own words), "I am an officer in the Emperor's Army," and I walked out and got an Army man and they took him right then.

On the ranches they lived in a primitive style. They would get old cast-iron tubs and put them out in the open with space for a fire underneath. Bath night, the mother and girls would build a fire and fill the tub and the father would bath and then the sons and finally the mother and girls. A nurse, who was born here; citizen and Japanese came to me and privately told me, "This is the best thing that could happen to my people. It will break them away from their old world customs."

Some problems were created when there would be interracial marriages with Chinese and Filipinos. It would have been too dangerous for them to have gone into the camps with the Japanese, but this decision was left up to them. I never knew of one who went to the Center. An example of the wisdom of their decision can be noted by the fact that when the U.S. in one prison for soldiers of war for our captured Japanese put all the Asiatics fighting against us into a camp with barbed wire and the Japanese started throwing men over the fence. It was learned that our Army had not been able to tell the Korean from the Japanese and the Japanese considered themselves too superior to be in the same camp, even as prisoners of war with the Koreans and were throwing them out.

Most lands were leased. Some had been purchased by forming an organization with caucasians and using those names bought property, such as a man who came before my desk with twenty-three children and a very young expectant wife, holding another child in her arms. I urged him to permit her to sit but he and the two older boys took the chairs and she was the first to refuse to sit, upon my suggestion. After much talk I learned, his landlord was wife No. 7 and he said, "Wife No. 1 is sick and I sent her back to Japan. She is my landlord. He had sent for this younger woman as wife No. 2.

On our large (now illegal) billboards of that day was a picture of the world boxing Champion Joe Louis, in the uniform of the American Army and with rifle and saying "We are going to win this war because we are on the Lord's side". That is mentioned today because that represented the unified spirit of America (which is not evident today) and the Japanese were lone dissenters. They counted on an invasion and were prepared for it. Some of the American born sons of them were already killing their fellow American in the Japanese Army. 30,000 were in Japan at the time of the dropping of the "God-given" "A" bomb.

The cry of the Japanese in the Philippines, after they had control was, "White America racist." Today this is the cry of these lying JACL leaders. It is in the religious belief that the Japanese will rule the world and the Pacific Islands were what they bargained with Hitler to obtain (while secretly planning to gain Europe from Hitler later on) and today they call their Newspaper "The Pacific Citizen" mouthpiece for the JACL. Today three Japanese have, just this last week attested to the fact that it is the "Duty" of Japanese to spread Budhism and Japanese Culture throughout America. At the Hearings in San Francisco in 1981 a Japanese American Minister of the Methodist (which is supposed to be Christian) Church, stated that they want back their center of worship, the Samuari Swords. He explained his great love of the Samuari because his father was one and thus he would be and how as a child he had felt the swords and admired how they shined. Time Magazine says they have returned to the Shinto faith primarily "Fealty to the Emperor."

When the Japanese were relocated at great, in fact millions of dollars, expense to our government, also at war, I was promoted to the job, "In Charge of All German and Italian Enemy Aliens Travel Permits" and took my orders from the Army. Germans and Italian were also treated enmasse. About this the Japanese today are lying. Some of the Germans and Italians were evacuated; some confined to their homes; some allowed to go out but under day hours curfew.

I am acquainted with and have a statement from a lady, Secretary at the time of Colonel Benedtsen, telling how she escorted these families, and how later they were on "probation" and had to report continually.

Japanese say, "But we were citizens." Yes, citizens of the Empire of Japan and loyal to it.

No German carried dual citizenship, no Italians trained and were fighting their fellow Americans in the Uniform of Benito Mussolini. In fact the Italians hated him for his teaming up with Hitler.

Today, Japanese have organized the Asiatics all over the world and held two world wide Asiatic conferences with Japan in charge. Here in America Japanese have organized Asiatic Caucasus in 21 States and also, in the Democratic Party!

I caught one German spy, while working on the Travel Permit job. Also, a young German spy, sent over by Hitler turned himself in to our Army at our location.

The Germans and Italians had only certain city blocks upon which they could travel and, for instance, one woman had to come in and get a permit to go into the area where her doctor was and she was expecting. The German spy I caught was a young tall German with steel blue eyes and he wanted a permit to go to a theatre on a certain evening, in a military forbidden zone. To relax his attitude a bit I told him not to worry about it and that a grandmother of mine had come from Germany. Whereupon he sat up stiffly and asked me her name and what ship she came over on! I got a chill. I immediately reported this to the Army and they said, "Give him any permit he asks and tell us the date and time and his address." About a month went by and I asked the Army man about this and they said, "We cannot tell you about it but this much and that is that you caught a big one. He had tunnelled under the rented house and installed equipment to reach Berlin." I never learned more of him. Italians were known to be loyal to America and any family who had a son in the service of the U.S. was exempt from restrictions. Many Jewish people were also reporting in because they were here on German passports. They were exempted also. Some had the tattoo marks still. Tattoos from the Concentration Camps of Hitler.

Senator **Stevens**. Our next witness is Lillian Baker.

TESTIMONY OF LILLIAN BAKER

Ms. **Baker**. My name is Lillian Baker.

Mr. Chairman, thank you for the opportunity to present testimony, plus that which has been submitted earlier, for inclusion into the record of this hearing on S. 2116, a bill to implement the findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians.

Much has been stated here today, but very little has been questioned. A logical question has been brought up by Mr. Odoi, and I will ask it again. Why did the movement for redress and reparations wait until 40 years after the event?

Documentation shows that for 40 long years, a very carefully planned objective was orchestrated by a small group of dissidents to implant into the minds of the public and media the big lie. Repeated often enough, the big lie became a credo believed in by even the most patriotic citizens and many elected officials. It was accepted that the evacuation was the "most shameful episode" in American history, and a blot on our Nation's honor.

It was determined by those seeking redress and reparations that after 40 years those involved in the wartime decision to evacuate the west coast would either be dead or lacking the verve to contest the antics and the tactics of what Senator Hayakawa called "a wolfpack of young Japanese-American dissidents who weren't even born during World War II."

The timing is perfect, for to wait 50 years might mean a collision course with documentation that would then become public domain. Like the Kennedy papers, many of World War II's top secret documents have even yet not been declassified or reclassified. However, under the persistent prodding of our media, came the broadened 1977 Freedom of Information Act, and with it, a key to a Pandora's box filled with historical documents never before revealed. At last there came a shadow of doubt on the acceptance and highly propagandistic use of the term "concentration camp" which has even been used here today, when referring to the American Relocation Centers.

Even the Commission on Wartime Relocation and Internment of Civilians recognized the historic inaccuracy of that term, and referred to the correct historical usage of relocation camp, or relocation center.

Yet as recently as last Sunday's Los Angeles Times, the term concentration camp was used in an article written for and paid for by the Japanese-American Citizens League, who have worked vehemently against the use of the term "Jap"—and I agree with them. Jap is a demeaning term since World War II, because of its connotation which is demeaning to their race. "Concentration camp" is demeaning to every American, because it demeans their nationality.

Mrs. Bernstein, speaking on behalf of the Commission, quoted Ronald Reagan speaking in 1970 as the Governor of California. Yet 7 years after his 1970 statement, President Reagan wrote to me—and I am quoting from his letter:

> I must confess I have much more knowledge about the relocation camps now, thanks to you. There is no doubt in my mind it would be a great injustice to erect markers designating them as "concentration camps."

The Commission in its report, "Personal Justice Denied," does not ask that those historical markers at the War Relocation Centers be replaced—that is not in their recommendation. These markers state that America had 10 concentration camps established out of racism, greed, economic, and political exploitation.

The markers were emplaced with the cooperation of the Japanese-American Citizens League, and were in fact the stepping stones upon which the concerted efforts for redress and reparations began in earnest.

The Commission claims that our Government made a decision to "exclude and detain Japanese-Americans." Nowhere in Executive Order 9066, of February 19, 1942, are the words "Japanese-Americans internment or detention."

The Executive order did nothing more than give the military the right to "exclude any and all persons from military designated areas."

In the testing of this order, our Supreme Court stated that in time of war, we must inevitably place our confidence in the military.

The Court clearly pointed out that there was evidence of disloyalty and that more than 5,000 Japanese-Americans refused to renounce the Emperor and give unqualified allegiance to the United States.

Yet the Commission claims there was not a single case of documented disloyalty. The Commission goes so far as to recommend Presidential pardons for "those convicted of violating exclusionary statutes."

One of those violators is Minoru Yasui, the Japanese-American Citizens League's director of Coalition of Redress and Reparations, a man who was working in the Japanese Consulate's office in Chicago the day of Pearl Harbor and had previously registered as an agent for a foreign power—Japan.

The Commission states. "A failure of political leadership was responsible for the evacuation, and for prolonging the closure of the relocation centers."

There is ample documentation which, sir, you do have, showing that the Japanese-American Citizens League, and the publications of the Japanese Chamber of Commerce in 1960, freely admit that when the United States tried to close down the relocation centers, a contingency of evacuees from the relocation centers went to Washington, DC, in early 1944, protesting the closure of the relocation centers for several reasons. Primarily, it was because their properties on the west coast were leased—not lost—for the duration of the war. This fact itself voids the argument that most properties were lost. Lands were leased and personal property stored at taxpayers' expense.

The evacuees protested the closures because they did not want to return to their communities until the war was over, and the documents even go on to show that some said "they would rather sit it out and see who will win the war."

According to the Commission's report, "Personal Justice Denied," and testimony before the congressional subcommittee, the Commission has based its findings on what it calls "a thorough review of a massive historical record."

This historical record consists of an extensive bibliography of books published prior to the broadened 1977 Freedom of Information Act, before any declassified information was available. The Commission uses only hearsay quotations which are taken out of context.

The Commission in its report boldly states that the Commission is beholden for assistance given them by proponents of reparation and activists working on behalf of the Japanese-American Citizens League.

The Commission had, in fact, prior to a single public hearing or even an hour's sincere scholarly research, gone on record in the various media as "working for redress and reparations."

The Commission stated that the exclusion of persons of Japanese descent from the west coast "is racist." Gordon Hirabayashi testified at the Washington, DC hearing in July 1981—which I attended—that "America is a racist Nation and World War II was our excuse to practice it."

Hirabayashi was the test case for violation of wartime curfew which was upheld unanimously by our U.S. Supreme Court.

Hirabayashi spent 6 months in prison—not for curfew violation—but because he refused to register for the draft during World War II. He sat out the war in safety and subsequently went to Canada as a landed immigrant, and he is now asking for reparation.

He claims his civil rights were violated. If, in fact, the exclusion order or curfew was racist, why weren't all persons of Japanese descent throughout the United States affected? Why did it affect only those on the west coast?

The Commission wrongly states that there was no exclusion of Americans of German or Italian descent. In fact, the exclusion did affect German and Italian aliens. Joe DiMaggio's mother was one of those who had to vacate San Pedro.

However, Americans of German and Italian descent did not hold dual citizenship as was required by Japan of all compatriots born outside of Japan.

In addition, we were not expecting an invasion by either Germany or Italy on our west coast. The MAGIC papers prove conclusively that Japan was expecting the assistance of "first and second generation Japanese residing in the United States."

Because certain Japanese military conquests were not attempted does not prove that there were no such plans; because many documents are missing or have not yet been released does not mean that such military plans for invasion did not exist. That is why the Japanese-American dissidents do not want to wait 50 years, and why this movement has gone into effect 40 years after the fact.

The Commission's report and recommendations might be legitimate if this Commission made attempts to seek out documents that were available. After all, they were a Presidentially appointed Commission, and I am merely a historian and a reporter. Still, I had access to those archives. Instead, the Commission used carefully selected books, weary by oft repeated terms such as concentration camps, barbed wire, internees, watch towers, guard towers with rifles, et cetera, terms which became the battle cry for redress and reparations.

The Commission relied heavily on memoirs of those not privy to top secret documents, shared with only a few in the highest echelon of the oval office. Hearsay and conjecture are no more factual evidence than is personal opinion.

The Commission's so-called hearings were orchestrated, closed conference deliberations, limited to proponents for redress and reparations. The Commission solicited those who "could best testify before the media." The Commission worked diligently to prevent opposing viewpoints. In hearings before the Commission, there was no legitimate attempt to focus on historical records, but they preferred to use political rhetoric.

Opponents to redress and reparations should have been invited to challenge the emotional barnstorming, and the so-called oral history of these recruited evacuees. There is not a shred of documented evidence to support the findings and recommendations of this Commission on Wartime Relocation and Internment of Civilians.

What a tragic precedent, if our Congress were to accept the work of this politically appointed and motivated Commission, who so obviously has broken with everything expected of American legislative practice and procedures.

In vacating the *Korematsu* decision, even the Justice Department was willing to plea bargain with our country's honor. The Justice Department had the MAGIC papers but did not present it here in California, because, according to a letter I received, they didn't want to disturb the waters between the United States and Japan.

Any elected official who accepts the Commission's discourteous demands for a national apology makes a travesty of his oath of office in which he promised to uphold and defend our Constitution.

The U.S. Supreme Court, not the Commission on Wartime Relocation, makes the final, legal determination of what is constitutionally correct, and our Supreme Court upheld the evacuation as nothing more than an exclusion order.

The court went on to state "neither in fact nor by law" were evacuees required to go from an assembly center to a relocation center and many thousands did not.

In its 20-20 hindsight and revolting revision of historical events, the Commission has put itself above our highest tribunal. If an apology is due, it is this Commission who is obligated to apologize to the American people.

The proponents demands are based on the premise that "Our Nation should show a willingness to acknowledge imperfection."

Mr. Justice Felix Frankfurter, who added his comments to the 6 to 3 affirmative ruling in the *Korematsu* landmark case of *Korematsu* v. *United States,* addressed the premise taken by the Commission when he wrote "Those actions taken during time of war shall not be stigmitized as lawless, because like actions taken during time of peace would be lawless."

Senator Stevens, my 20 pages submitted to you prior to this hearing includes 16 additional exhibits of documentation over and above the 150 pages previously entered into the record of another hearing by a U.S. Senate subcommittee.

These documented facts and statistics entirely refute the report of the Commission, its findings and recommendations which were so clearly preordained and based on emotion, and not documentation.

Copies of my testimony and my documents have always been made available to the press, and I welcome any further inquiries or requests for documentation by your subcommittee to substantiate my presentation today.

I must commend you, sir, for the very civil manner in which I have been treated here. It is quite a change from the other hearings, and I want to compliment you on your fairness.

Thank you for inviting me.

Senator STEVENS. Thank you, Ms. Baker.

I do appreciate your testimony. We do have your prior statement and it will be made part of the record. Some of the documents have to be judged by our committee staff to determine whether they can be printed on to the record under the rules of the Senate, but we will do our best to print all that you have delivered to us.

Ms. **Baker**. Senator Stevens, may I ask if there is anything in my statement or in my testimony today that you would like to question?

Senator **Stevens**. No. It is not my purpose really to question today, but to get the information on the record so that we can analyze it to determine whether we will have further hearings in Washington on this legislation.

I thank you.

[The prepared statement of Ms. Baker with attachments follows:]

OPPOSITION TO S. 2116

SUMMARY OF STATEMENT OF LILLIAN BAKER
BEFORE THE SENATE GOVERNMENTAL AFFAIRS SUBCOMMITTEE
ON CIVIL SERVICE, POST OFFICE, AND
GENERAL SERVICES ON S. 2116
AUGUST 16, 1984, LOS ANGELES, CALIFORNIA

The "findings and recommendations" of the Commission on Wartime Relocation and Internment of Civilians, wholly fail in every respect in meeting the criteria expected of unbiased, accurate, investigative, ethical, scholarly, and traditional codes of American conduct in fulfilling its mandate as a "fact-finding" Commission. Because of these reasons, any legislation based on such "findings and recommendations", should be discounted and discarded.

The CWRIC placed stumbling blocks in the path of any concerned American willing to come forth on behalf of the United States, to testify and provide documented facts. In many instances, the CWRIC's efforts to place such impediments and snags, succeeded. When all else failed, the CWRIC acted in a most unprofessional and discourteous manner, i.e., it accorded the proponents of redress and reparations proper recognition and status, whereas in Baker's case, no such common courtesies were extended.

The CWRIC excluded vital written STATEMENTS from its PRESS PACK which was distributed to the media in Washington, D.C., during CWRIC's first hearing, July 16, 1981. Among these Statements and Testimony, that of John J. McCloy, former Asst. Secretary of War, during WWII; Karl R. Bendetsen, Col. AUS (Ret), director of military operations during the evacuation to assembly centers on the Pacific West Coast; Dillon S. Myer,Dir., War Relocation Authority, (1942-1945); and Lillian Baker, published author/historian and investigative reporter, and spokeswoman for Americans for Historical Accuracy.

The CWRIC failed to include the full documented evidence provided by the above, in its report, PERSONAL JUSTICE DENIED. It did not include the bulk of evidence provided by Baker which refuted statements and accusations made by the proponents of redress and reparations. This exclusion was aimed at discrediting Baker as a witness, author/historian, and investigative reporter. Baker was described as a "housewife", and "World War II widow", without acknowledgement of her professional status and background. In PERSONAL JUSTICE DENIED, Baker's written statement and oral testimony is excluded, as is any reference to her appearances before the CWRIC in Washington, D.C. and Los Angeles (1981). Her research and publication was ignored,even though these attributes culminated in the 1983 Annual Award (scholastic category), by the Conference of California Historical Societies for "contributions to California history". Baker's book, THE CONCENTRATION CAMP CONSPIRACY: A SECOND PEARL HARBOR is not listed in CWRIC's report (bibliography); Baker's name is not indexed in this report; the book's title (mentioned in the Footnotes of PERSONAL JUSTICE DENIED), is incorrect, as is the name and address of the publisher. As listed, it would be impossible for any interested party to locate this book for reference work. Furthermore, words and phrases were taken out of context and twisted so as to misrepresent Baker's views and posture regarding this issue. With over 350 pages of printed text and additional photographs, totaling more than 500,000 words, fewer than 100 were used in the most unethical fashion, with tactics reeking of distortion, dishonesty, and deliberate sophistry.

The CWRIC refused to delay its "findings and recommendations" until it could further study the legitimate causes of the evacuation. Such causes are carefully outlined in "The Magic Papers", (8 volumes of newly released information). The CWRIC refused to consider the documents provided by Baker which proved beyond doubt that it was the Japanese American Citizens League that was responsible for the postponement of the closing of the WRA centers in 1944--not political motivation. Baker's documents were rejected even though they provided ample evidence of documentation of disloyalty by Japanese-Americans. The CWRIC demand for an "apology" is audacious! Baker's documented evidence rules out any justification for monetary "compensation".

The U.S.Supreme Court, not the CWRIC, has decided what is constitutionally correct.

Lillian Baker ....*[1984 Fellow, International Biographical Association, Cambridge, England. Awardee, Freedoms Foundation at Valley Forge. Recipient, 1983 Annual Award, Scholastic Category, by the Conference of California Historical Societies, for "Contributions to California History". Listed: Who's Who of American Women.]*
15237 Chanera Ave.
Gardena, CA. 90249

STATEMENT OF LILLIAN BAKER, Author/Historian
Testimony before the Senate Governmental Affairs Subcommittee on Civil Service, Post Office, and General Services on S.2116, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

[Footnotes begin on Page 7. Endnotes on Page 12]

Thank you, Senator Stevens and honorable members of the Subcommittee, for the opportunity to participate in the hearings on S.2116. This is greatly appreciated and I welcome further inquiry by way of questioning by any and all participants.

My book, THE CONCENTRATION CAMP CONSPIRACY: A SECOND PEARL HARBOR,[1] and the recent United States government publication[2] about the Japanese-American redress issue, includes my oral and written testimony presented before the U.S. Senate Subcommittee of the Judiciary. I appeared before this Subcommittee at the Capitol, July 27, 1983, at my own expense, and presented more than 150 pages of additional documentation besides that which appears in my book. These declassified historical documents from the United States Archives, offer legal contradictions to the findings and recommendations of the Carter-appointed Commission, and are historically accurate rebuttals to the baseless premise upon which S.2116 was initiated.

These 150 pages of documents and my book, were previously submitted to the Commission on Wartime Relocation and Internment of Civilians, which chose to ignore the documented facts therein, as well as the contents of a book which represented more than a decade of intensive and scholarly research. The book's Introductory Remarks were written by the former War Relocation Authority Director, Dillon S. Myer; still, the Commission on Wartime Relocation and Internment of Civilians, discarded his words as irrelevent, and furthermore refused to include his written testimony into the permanent record of its report, PERSONAL JUSTICE DENIED.

S.2116, asks for the implementation of the "findings and recommendations" of this Commission, under the guise of "civil rights violations". This bill, and all prior bills ("redress and reparations"), propose unjustifiable raids of billions of tax dollars from the United States Treasury; even more outrageous, S.2116 which would call for a "Congressional apology", is the assault against the honor of our Country and the integrity of its elected officials who were our highly respected and patriotic leaders during World War II.

President Reagan told me during a telephone conversation and in a letter, that I had educated him on the subject of the World War II evacuation, and the issues involved in the demand for monetary reparations and a government "apology".

Recently, a Federal Judge in Washington, D.C., dismissed the claims by the Japanese American Citizens League for monetary reparations, stating that the Statute of Limitations had run out; but even more important, the Judge stated emphatically that the documents presented by the JACL were "nothing new" and had been available for a long time. This was the same argument I presented to our Attorney General when I visited his office in Washington, D.C., and plopped about four inches of documentation on his desk, including the Public Law passed by the Congress[3], which paid all claims in 1948 and again in 1952. This Public Law also stated that filing of such claims had to be made within 18 months of this law and that payment constituted a settlement of all claims for all time in the future. In addition to this document, I placed on the Attorney General's desk, documentation released under the broadened 1977 Freedom of Information Act, hoping that these documents would assist our U.S. Department of Justice in vigorously defending our government's wartime action.

If my intensive research could educate a President, surely it is hoped that other elected officials in the honorable service of the United States, could be enlightened as well and judiciously act under the Oath of Office each of them took on behalf of all Americans. However, several have chosen the political path rather than that of Statesmen and inspired leadership.

Even after being confronted with documents and facts proving conclusively that our government's wartime action was upheld as constitutionally correct by our Supreme Court, the Commission on Wartime Relocation and Internment of Civilians, still refused to alter its political posture. Those who served on the Commission even published their personal political opinions before a single public hearing had been held.[4] More than 1.5 million tax dollars were spent to "study any wrongs of our government action", while consistently and intentionally placing stumbling blocks in the paths of any individual who dared oppose the Commission's preordained conclusions.

The majority of those in the Senate who have either authored or co-sponsored S.2116, have actually been misled by the media and have been denied previously classified documents released under the broadened 1977 Freedom of Information Act. In turn, the media has been force-fed improper-ganda by the Commission on Wartime Relocation, which actually refused to accept or hear testimony from witnesses who might cry "foul" to the undemocratic practices and procedures of this Commission.

Books written prior to 1977, have been boggled down with historical inaccuracies and political rhetoric, no less personal philosophical leanings, opinions and assumptions. And these are the publications upon which this politically appointed Commission has based its "findings and recommendations". This writer has tossed out the gauntlet in the form of a challenge to debate this most misunderstood and propagandized action of WWII, but the proponents have not only refused the challenge but with the approval and even the cooperation of some members of the staff of the Commission, have succeeded in denying me my own civil rights of freedom of speech and access to the airways and other media.[5]

This writer has documented evidence which clearly discredits this Commission, which includes deliberate destruction of testimony, the refusal to accept testimony of pro-America witnesses, and the undemocratic pursuit of discriminating against opponents to redress and reparations demands, including character assassination. This can be reported from first-hand experience.

Surely no legislation based on the so-called "findings and recommendations" of such a Commission, can be acceptable or valid.

Baker's position is this:

During World War II, millions of Americans were called upon to make wartime sacrifices, including the loss of homes, properties, businesses, loved ones, and educational opportunities. They also suffered mental and physical abuses, not only at the hands of our enemies, but because of the anti-German, anti-Italian, anti-Japanese feelings following the bombing of Pearl Harbor and the declaration of war against the United States by Germany and Italy. Many persons of German and Italian descent changed their names and in some cases transferred their children to schools outside their neighborhoods to avoid discrimination by thoughtless school children. Some families were separated when German and Italian aliens were deported or denaturalized; even Joe DiMaggio's mother was evacuated from San Pedro which was one of the vital areas of defense on the West Coast. In wartime, all citizens lose ordinary civil rights. Who truly retains "civil rights" in wartime? The draftees? Defense workers "frozen" in their jobs?

During World War II, the United States had the legal right under recognized international law, to intern all alien enemies, (German, Italian, Japanese, and other nationalities giving "aid and comfort or sympathy" to our enemies.) Nowhere in Executive Order 9066, Feb. 19, 1942, is the word "American" or "internment"used. The order was nothing but an exclusion order, not an order for internment.

The United States is the only nation at war that did not intern both innocent aliens with enemy aliens known to have proven charges against them. The only German, Italian, or Japanese aliens interned in the Department of Justice internment camps, were those proven to be a danger to our national security. No Presidential Warrant of arrest was issued without substantiated charges. Alien enemies were not descended upon, "en masse", unless there was a warrant. Our "civil rights" laws were still intact even as America was fighting for its very existence, ill-prepared for the war-horses of Japan, Germany, or Italy.

The United States, in its humanitarian effort toward aliens caught in a host nation in time of war, went one step further when in keeping with the Japanese tradition, families of Japanese enemy aliens were permitted to reside together in the "hard-core" internment camp at Crystal City, Texas. At Crystal City, resided the pro-Japan alien enemy father of the late Edison Uno, the founder and leader of the organization demanding compensation and a government apology. Edison Uno used to boast that he was the last one to leave Tule Lake Segregation Center for the "disloyals", and then joined his father at Crystal City for the duration of the war. JACL activists used Edison Uno as their spokesman in the debate, "Concentration Camp v. Relocation Center", during the hearings in California. Despite the fact that Lillian Baker was joined unanimously by the California Landmarks Commission in voting DOWN the use of the term "concentration camp", Uno and his "followers" succeeded in buying political clout. Thus, through political machinations which seemingly have continued, we have historical landmarks on American soil which state that America had "concentration camps" established out of "greed, economic and political exploitation, and racism". These markers are in defiance of our Supreme Court's edict which deemed it "unjustifiable to call (the relocation centers or the assembly centers"),'concentration camps' because of the ugly connotations that term implies".[6]

Those California landmarks of bronze and stone, became the stepping stones for the JACL's Coalition for Redress and Reparations, which ultimately led to the first of several bills calling for monetary reparations. These are the bills which Senator Hayakawa said would "fall on the weight of its own absurdity".

It is consistent and applicable to this testimony, that the writer report the 'uncivilized behavior' of the audience in the Capitol and Los Angeles, during the first hearings held by the Commission on Wartime Relocation. I do not use that term loosely, for how else would one describe a portion of our American society who reacts so violently to any opposition to their demands, by shouting, hissing, using profanities, character assassination, and threats of physical harm? This writer was ordered out under guard by the Commission; and during one incident ill-reported and unfactually presented in the media and for the record, the police escorted me out of the hearing room for what I was told,"protective custody".

When I debated Roger Daniels,[7] Professor of History (Cincinnati,Ohio), on a TV forum in Seattle, Washington, I was told to "keep off the streets of Seattle for my own safety"; while testifying in Washington, D.C., my husband received telephone threats against my life if I "dared appear in Gardena" during a meeting of the Coalition for Redress and Reparations. I did appear, with several other opponents, and when challenged by one of the panelists as to what gave me the right to speak against a member of the 442nd J-A unit, I stated that I was speaking on behalf of my first husband who died in WWII. This explanation brought hand-clapping and cheers, whereupon two other women left -- one stating to the audience that when they "applauded the death of Mrs. Baker's husband, you are applauding the death of my husband and every other serviceman who died in WWII." [In all fairness, an Issei came outside to apologize to Baker and the others for the discourtesy shown by the "younger generation".]

Yes, this Issei was correct when he stated that the younger generation of Japanese-Americans are the activists in an action they never experienced or were too young to understand its necessity.[8]

The most misunderstood issue concerning the evacuation, was the dual citizenship held by American-born Japanese. Americans of German and Italian descent were not required to have dual citizenship.

No American citizen of Japanese descent, despite dual citizenship, ever suffered "internment", which was strictly for alien enemies. And internment was for the duration of the war. Congressman Robert T. Matsui, was only 9 months old at the time of the evacuation. His parents were American citizens, holding dual citizenship. As with thousands of other evacuees, they evacuated and within 9 months had left Tule Lake Relocation Center and resided for the duration of the war doing farm work in Idaho. From the son of a farmer, Matsui rose to achieve status as a Member of Congress. Why did the Matsui family choose to go from an assembly center to a relocation center? Shouldn't the Congressman more properly have asked the adult member of the household who made that decision, rather than 40 years later beg of the Congress,"Why?" Since Matsui's father worked at farm labor during WWII, without serving in the U.S. armed forces, wouldn't he consider himself rather fortunate in contrast to those who left their homes for the duration and returned as casualties?

Congressman Matsui's testimony before the House Subcommittee stated that there was "barbed wire" and "sentry dogs". Actually, there is no photographic evidence that there was either "sentry dogs", or "fixed bayonets", or "strings of barbed wire" -- the catch-words used to stir the emotions, but based on absolutely no documentation whatsoever. To the contrary, there are thousands of photographs in the archives which would make laughable such claims, if such propaganda wasn't so tragic for Americans super-sensitive to self-image. The proponents of these legislative measures, count on the goodwill and willingness to accept guilt if labelled "racist", or "ethnic".

No American citizen among the evacuees was ever denied habeus corpus. Indeed, three test cases went through our courts during the war, even while America was engaged in mortal combat with our enemies. Had the leader of the JACL Coalition for Redress and Reparations, Min Yasui, been under the 1952 law regarding American citizens serving under a foreign power, he would have been denied American citizenship. The day of Pearl Harbor, Min Yasui was working in the Japanse Consulate's office,(Chicago), having previously registered as an agent for a foreign power (Japan). Still, his case went all the way to the Supreme Court and was decided unanimously against him. Yet Yasui claims he was denied "redress".

Redress was never denied an American citizen. Our landmark test cases for curfew and the exclusion order are verification of this fact. Curfew was upheld unanimously by our Supreme Court. In The Korematsu case, the testing of Executive Order 9066, Feb. 19, 1942, was affirmed 6-3 as constitutionally correct, and as "nothing more than an exclusion order". The Court stated that neither in fact nor by law were evacuees required to go from an assembly center to a relocation center, and many thousands did not but evacuated to the other 44 States unaffected by the exclusion order.[9]

The Congress of the United States took an oath of office to act lawfully and to uphold the Constitution of the United States. The United States Supreme Court, not a Presidentially appointed Commission, is the keeper of our Constitution and decides the constitutionality of actions taken by The President.

As for the relocation centers: the evacuees themselves held two testimonial dinners honoring the director and staff of the War Relocation Authority. At war's end, they honored them for "the humane treatment and understanding" of a wartime dilemma -- that dilemma being the problem of DUAL CITIZENSHIP.

Not a single charge of "inhumanity" was ever brought against the United States government, the administrators of the WRA and its staff, by any evacuee...until the movement for redress and reparations began in the early 1980's. A few well-rehearsed witnesses appeared before the Commission on Wartime Relocation, complaining about the lack of medical treatment and poor medical judgment. It was never pointed out that one of the leaders of this movement, Attorney Frank Chuman, was the Administrator of the Medical Hospital at Manzanar War Relocation Center. The doctors were the evacuees themselves, many of them giving up practices in the other 44 States and voluntarily coming into the relocation centers.

If there was so-called "malpractice", why should these evacuees 40 years after the fact, come to American taxpayers? They should seek redress from those who made the medical decisions. Ironically, while one evacuee testified about a birth defect, the documented statistics show that the highest live-birth rate and lowest incidence of disease anywhere in the U.S.A. during WWII, was in the relocation centers.

Another evacuee tearfully testified how her father "died needlessly" after being transferred from Manzanar to Arizona-- another decision made by Japanese doctors and medical staff. Interestingly enough, this same evacuee testified that she had brothers residing in States unaffected by the evacuation. The question is: why didn't they accept their Issei father into their homes and under their care?

Unfortunately, the Commission accepted this testimony without a single shred of documented evidence to substantiate these emotion-laden claims. Everything the Commission applauded and used to base its "findings and recommendations", are hysterical outbursts tempered toward media viewing -- for it is a fact that those who were willing to give testimony, actually attended classes and sessions which taught "how best to testify before the Commission, the public, and the media". The JACL nest-egg, begun by the 10% it charged for representing evacuees for claims under the Public Law in 1948, has financially backed and funded this disgraceful second-raid on the United States Treasury. That 10% was taken off the top of $38,000,000 (WWII monetary exchange), paid in monetary reparations.

The closing of the WRA centers, which was proposed in 1944, was PROTESTED by the evacuees themselves, because their properties were leased for the duration of the war, and the war did not end with Japan until 1945. Evacuees were not forced to labor; those who did work were paid the equivalent to men in uniform. Should they have been earning more? Would they have changed places with men in trenches or in bombed-out shelters -- or in the shelter of relocation centers where they sat out the war in safety?

The documentation previously submitted to the Subcommittee of the Judiciary on Administrative Practice and Procedure, U.S.Senate, is available to this Subcommittee, too.

The testimony presented to the Subcommittee and the position taken by me is historically accurate. As such, there is no justification for the actions taken by Legislators seeking implementation of the pre-ordained "findings and recommendations" of a Commission whose findings were forecast in the past, and under a cloud which casts a dark shadow of "cover-up", tainted by political bias and servitude.

My data refutes the Commission's "findings and recommendations", which are no more than the continuing propaganda that profits and benefits those who hope to postpone the truth. I look to the esteemed members of this Subcomittee, for leadership in exposing the unjust claims and accusations; to tame the wild recommendations of the Commission on Wartime Relocation by "magic". Let us make available "Magic Papers" and other documents so that we can at long last commit to posterity the truth of the proven need for the evacuation and exclusion of persons of Japanese descent from the West Coast.

The "darkest episode in American history" was neither the evacuation nor Hiroshima[10], but rather this current episode during which time some in Congress are willing to accept that Americans acted without honor or grace, even under the pressures of war. As our liberal jurist, Mr. Justice Felix Frankfurther of the Supreme Court stated, "actions taken during time of war shall not be stigmatized as lawless, because like action taken during time of peace would be lawless."[11]

My testimony is provided as a concerned American, historian, journalist, and World War II widow, and I consider this opportunity a duty and a privilege. Thank you again for allowing me to give testimony which will be made part of the historical record.

FOOTNOTES

[1] *1981 publication, AFHA PUBLICATIONS, P.O. Box 372, Lawndale,CA 90260*

[2] *S.Hrg.98-485, July 27, 1983, Serial No.J-98-57, Government Printing Office, [Printed for use of the Committee on the Judiciary], Japanese American Evacuation Redress; HEARING before the Subcommittee on Administrative Practice and Procedure, United States Senate, Ninety-Eighth Congress, First Session on S.1520. The World War II Civil Liberties Violations Redress Act, and Reports of the Commission on Wartime Relocation and Internment of Civilians.*

[3] *Public Law No.886, (Evacuation Claims Statute), July 2, 1948, further amended in 1950-1952 to reimburse even for lost fishing pole.*

[4] *John Tateishi, chairman of the JACL National Committee for Redress and Reparations, announced in the ethnic press and JACL's "PACIFIC CITIZEN", (December 1980), that his committee was planning "strategies for the hearings of the CWRIC". This group contacted JACL chapters across the country, obtaining names of suggested "witnesses" for the hearings. These witnesses were then carefully rehearsed as to how they could "best perform for the media" during televised hearings. Not a single Issei would testify against the United States, although the J-A's solicited some in the Japanese communities.*

Footnotes (continued)

Joan Bernstein, CWRIC Chair, accepted the JACL Tri-District Conference invitation (March 27, 1981), to headline the redress panel discussion, Saturday, April 4th(Los Angeles Hilton Hotel). At the Hilton, Chair Bernstein made plain her bias and anti-U.S. stand regarding the evacuation and relocation. She stated then, prior to a single hearing being held, that she would "work FOR redress and reparations".

Paul Bannai, Executive Director of CWRIC, appeared at the final redress workshop, Sunday, July 19, 1981 (2:00p.m.), in the dining hall of Little Tokyo Towers. Bannai gave an updated report on the Washington, D.C. hearings. A "mock hearing" was held with Fred Okrand, LEGAL DIRECTOR OF THE ACLU, Rose Matsui Ochi, former U.S. Immigration Commissioner, and Attorney Richard Sherwood of the law offices of O'Melveny and Myers acting as the "commissioners". In the JACL's "PACIFIC CITIZEN", Friday, July 17, 1981, it was reported that the CWRIC "is vitally interested in hearing from witnesses what they would like to have the Commission recommend to the Congress that would be fair and just as redress for the wartime internment and relocation". Bannai answered questions from the audience and advice was given by the pro-redress faction as to how to best testify before the Commission when it came to Los Angeles and San Francisco.

Min Yasui, named JACL Redress Chair, March 1981, with Representative Norman Mineta appearing Saturday, May 16, 1981, as guest speaker at the testimonial banquet honoring John Tateishi. Congressman Mineta, co-authored the House Bill establishing the CWRIC.

On April 25, 1981, in preparation for the hearings by the CWRIC, the New York JACL orchestrated "mock hearings" at the Columbia School of Journalism, 116th St. and Broadway. This followed the theme first presented at the JACL National Convention in San Francisco, the summer of 1980.

On April 8, 1981, the RAFU SHIMPO, printed a photo of Joan Bernstein, CWRIC Chair, and a portion of her statement in which she "assured a group of some 150 Japanese Americans at the Los Angeles Hilton Hotel...that the World War II concentration camp experience of the Japanese in America will be set forth before the American people, and that the Japanese American community will have its day in court." Bernstein stated in her address before this group: "The Holocaust was my first and most emotional experience with tragedy. I would have hoped it would have been my last. Obviously it was not. That is why I cherish the opportunity to work with the Japanese American community and to commence this great inquiry into an event that does indeed stand as a blot upon the history of the United States". Bernstein held several meetings with the attorneys from JABA (Japanese American Bar Association) as well as with members of the National Coalition for Redress and Reparations, and various JACL districts.

Friday, August 19, 1983, The RAFU SHIMPO reported that the JACL "has hired the public affairs counsel to the CWRIC, in a slot

Footnotes (continued)

budgeted for a legal assistant with $3000 to go toward 60 days worth of promotional work, such as that which got New York's JACL President, Tom Kometani, on the MacNeil Lehrer Report; the day the Commission's recommendations were released."

5 The JACL and National Coalition for Redress and Reparations, used character assassination by describing Baker as a "Nazi", and the organization AMERICANS FOR HISTORICAL ACCURACY as the same racist Torrance-based organization with a similar name which lost its court battle in which it had claimed that the holocaust never happened. Baker's book, in fact, not only shows pictures of the holocaust but is the reason why she has fought against the use of the term "concentration camp" when describing the American war relocation centers. The JACL and the NCRR and its other branch organizations nationwide, have kept Baker off talk shows by refusing to accept invitations to debate. The policy of most stations is "equal time"; in many cases, Baker would not be allowed on the air unless a member of the opposition was represented at the same time. This "policy" did not apply "equally", since the JACL and proponents of redress and reparations bought air-time and "fairness" did not apply either, since Baker was never included in such programs. The FCC wrote in reply to Baker's letter that radio and TV stations now have the right to decide what issues are of "public importance"; what is "equal time", and exactly "who is a qualified representative" to rebute an issue. Those are the other tactics used to keep Baker off the air and out of the media. It would seem that if Baker's position didn't hold water, that her opposition would like to burst the bag in full public view; to the contrary, once debated (as in the case of Roger Daniels, Frank Chuman, and Peter Irons), they knew that documentation and facts provided by Baker would blow their own cover-up of these documents and facts and expose their purely emotional approach to the issues.

6 Mr. Justice Hugo Black's landmark opinion, KOREMATSU v. UNITED STATES, Oct. 1944 Term. [Full text of this 6-3 decision which upholds E.O.9066, Feb. 1942, appears in Baker's book. It is the only history book which has the entire AFFIRMATIVE opinion. All other history texts report the dissenting view of Jackson and Roberts -- which does not constitute the legal decision of our Supreme Court. Why do history teachers and proponents of "r&r", and many legislators refer to the evacuation as "unconstitutional"? It was not.

Roger Daniels, author of CONCENTRATION CAMPS U.S.A., was co-editor of CWRIC's PERSONAL JUSTICE DENIED. Daniels' notes rely heavily on his own publication written PRIOR TO 1977 RELEASE OF DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT.

7 JAPANESE IN SOUTHERN CALIFORNIA: A HISTORY OF 70 YEARS, published by Japanese Chamber of Commerce of Southern California(1960), takes up the question of DUAL CITIZENSHIP: "The Immigration policies of Japan at the time (WWII and prior), was to send immigrants out of Japan to earn a living."

"There were 35 prefectural overseas societies representing 33 prefects from which residents of Los Angeles and vicinity originally came from Nippon. The influence exerted by these kenjinkai

Footnotes (continued)

groups is mute evidence of the strong adherence to their provinces of origin, the like of which is more pronounced among the Nipponese than any other nationalities. This is due to the importance placed on the family system in Japan where all the families are registered regardless of their residence elsewhere.

"The various attacks being made upon the loyalty of Japanese Americans to the United States by various groups in California and by some congressmen from the west coast brought up the problem of dual citizenship status for action. During October 1941, Secretary of War Stimson drafted proposed legislation to eliminate the complications of dual citizenship." [Dual citizenship was not a problem faced by Americans of German or Italian descent. It was a problem unique to the Americans of Japanese descent who were required to register in the prefecture of their parents' birthplace.]

Dec. 13, 1943, [Document 33 1.3 Guy W. Cook Nisei Collection, University of the Pacific], REPORT OF THE SPANISH CONSUL, Dept. of Justice CONFIDENTIAL classification, is relative to the uprising at Tule Lake Segregation Center. The problem of dual citizenship was evident when many Americans of Japanese descent asked for expatriation to Japan. The Tule Lake Segregation Center riots, participated in by so many American-born Japanese, gave comfort and aid to the enemy, Japan, who made much propaganda from these reports.

[8] *One fourth of all Americans of Japanese descent in the 10 WRA centers, was only 15 years of age, and the rest were mostly youngsters. Among the latter group are those who have written the legislation 40 years later, asking for monetary reparations and an apology. Members of the Coalition for Redress and Reparations, are either too young to remember WWII, or weren't even born. Representing this group are Mary Kochiyama and Pat Sumi, identified members of the Communist Party who went with Eldredge Cleaver to Hanoi broadcasting anti-American propaganda during the Vietnam war. Another activist is Warren Furitani who had to be expelled from hearings in Sacramento and Sonoma because of his violent behavior and foul language.*

[9] *Almost 3000 Japanese Americans spent the war years at colleges and universities throughout the United States, thus having a four year jump on returning G.I.'s. Ironically, almost 10,000 Japanese aliens and their American-born children asked to come into the relocation centers for the duration of the war. They were unaffected by E.O.9066, Feb. 19, 1942, which applied to the West Coast War Zone only.*

[10] *Bert Webber's "SILENT SIEGE: Japanese Attacks Against North America in World War II"(1984 release),gives documented details about Japan's frantic effort to build "the bomb", with Japanese submarines travelling to Europe for uranium; Webber tells what became of Japanese cyclotrons when American occupation forces in Japan discovered them at war's end.*

Imperial Japan was working desperately on its own atom bomb, and our atomic scientists working on "The Manhattan Project" were well aware of the "race" to develop an atom bomb. Dr. Albert Einstein warned President Franklin D. Roosevelt that "we have to be first", *Footnotes, continued*

because even one month prior to the successful American development of an atom bomb, Germany and Japan were still in that frantic race.

In 1949, Japan's reknown physicist, Hideki Yukawa, won the Nobel Prize for his development of a mesons-sub-atomic particle. (Source: "The Encyclopedia Brittanica's listing of all Nobel Prize winners).

Lt. Leslie R. Groves, writing of The Manhattan Project in "Now It Can Be Told" (1962), reveals how close was the race for an atomic bomb.

The New York Times,(1945 edition), reports how the U.S. Army of Occupation in Japan, discovered the Japanese cyclotron -- one of only two in the world -- the other located at Berkeley, California. The Japanese scientists deplored the incident stating that this was one instance where "the military must never interfere with scientific research". (The "incident" was the destruction of the Japanese cyclotron and experiments with an atom bomb.) Dr. Nashima stated that to destroy the Japanese experiments with uranium was like sacking artworks in the Louvre Museum. The full and very detailed story of Japan's efforts to build an atom bomb, is told in Bert Webber's 1984 publication, "Silent Siege: Japanese Attacks Against North America in World War II" (Part A, SPECIAL PROJECTS: JAPANESE EFFORTS TOWARD BUILDING "THE BOMB")

The Rafu Shimpo, (Los Angeles' ethnic newspaper), reported that Japan was only 3 months away from its own atomic bomb when the U.S. dropped "the bomb" over Hiroshima. The atom bomb at Hiroshima did not come without warning. This site was chosen because it was the second largest military base away from the civilian masses on Japan's mainland. It was a military target.

The victims of the atomic bomb who are now seeking medical attention and "reparations" from the United States, were not Japanese-Americans. Although they were born in the United States, these people with dual citizenship, had renounced their U.S. citizenship and were actually working for Japan's war effort against the United States. In addition, their children were attending Japanese schools when the bomb hit. Had these Japanese-Americans renounced allegiance to the Emperor and given unqualified allegiance to the country of their birth (United States), they would probably have been executed or interned with other allied civilians caught in the Pacific war-theatre. Thus far, there's not a shred of evidence to show that any of these American-born Japanese protested Japan's war efforts against the U.S. On the contrary, Japanese-Americans in both Hiroshima and Nagasaki(the base for the largest Japanese fleet), willingly gave aid and comfort to our enemy, Japan. If these hapless victims want further "reparations", let them seek them from Japan to whom they pledged allegiance.

Today, Japan is one of the world's leaders in the use of atomic power -- surpassing the United States. Hiroshima and Nagasaki have leaped from the ruins, with United States aid, into a more flourishing city than prior to WWII.

August 6th should be celebrated as the day more than one million lives were saved on both sides. More persons died in the allied bombings of Rotterdam than in both bombings of Hiroshima and Nagasaki. Americans have been gorged to the gills with anti-U.S. propaganda regarding the "first use" of atomic weapons. Americans and the world should be grateful that its first use was not in the hands of fascist regimes in Germany and Japan.

Remember, the U.S.A. gave warnings to our enemies who fully well knew what an atomic bomb meant. And even after the first bomb, Japan failed to heed another warning prior to Nagasaki bombing. Unlike the U.S.A., Japan's precedent at Pearl Harbor is sufficient to convince any historian that an American target would have been chosen without a forewarning from Japan. Let's set the historical record straight.

ENDNOTES

1) A copy of the BOOK REVIEW--WORLD WAR II--is attached to this Statement. The material in Bert Webber's book*, SILENT SIEGE: Japanese Attacks Against North America in World War II, has passed the Book Selection Criteria for use in schools for upbuilding of curriculum in American history grades 8--up, and for general circulation in school and public libraries.

At long last, the documented truth about the dangers of invasion and actual enemy attack along our Pacific coast, are told in detail. The "second best kept secret of the war" was the success of of one balloon-bomb (one of 30,000 sent across the ocean from Japan to set fire to our Pacific Northwest forests). Had the Japanese known of this success, which succeeded in killing a minister's wife and their five children, these tactics would have continued. (The "first best kept secret" was The Manhattan Project.) Journalists were instructed NOT TO PUBLISH the story of Japan's balloon attacks for two reasons: a)the military did not want Japan to believe the balloon attacks were successful; b)if the story got out in the newspapers, persons of Japanese descent would not be safe from the public anywhere in the United States. As it was, Japanese Americans and alien Japanese resided in the other 44 States which were unaffected by the exclusion order.

If Executive Order 9066, Feb. 19, 1942, and the subsequent military orders written under the "power to wage war successfully", was in any way "racist" -- why didn't these orders affect ALL PERSONS OF JAPANESE DESCENT throughout the United States? Persons of Japanese descent were not "rounded up en masse" and "put into concentration camps".

2) In PERSONAL JUSTICE DENIED, (report of CWRIC), there is a footnote on the bottom of Page 27, to wit:

> There is a continuing controversy over the contention that the camps were "concentration camps" and that any other term is a euphemism. The government documents of the time frequently use the term "concentration camps", but after World War II, with full realization of the atrocities committed by the Nazis in the death camps of Europe, that phrase came to have a very different meaning. The American relocation centers were bleak and bare, and life in them had many hardships, but they were not extermination camps, nor did the American government embrace a policy of torture or liquidation of the ethnic Japanese. To use the phrase "concentration camps" summons up images and ideas which are inaccurate and unfair. The Commission has used "relocation centers" and "relocation camps", the usual term used during the war, not to gloss over the hardships of the camps, but in an effort to find an historically fair and accurate phrase.

There is nothing in the recommendations of the CWRIC, that the historical landmarks emplaced at the sites of the relocation centers across the United States, be removed and replaced with historically accurate terminology. The same activists who have set about to dishonor America and are demanding unjustified monetary reparations, used political clout and machinations to over-ride the decision

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**Dert Webber, Research Photojournalist, Post Office Box 11, Medford, Oregon 97501*
Book distribution: PACIFIC NORTHWEST BOOKS CO.,P.O.Box 314,Medford,OR97501 U.S.A.

Endnotes (continued)

of historians serving on commissions to rule on what is historically accurate for landmarks. In each case, those serving on such commissions clearly stated that "concentration camps" is inaccurate and politically motivated.

Yet we have markers at the sites of the WRA centers which state that America had "ten such concentration camps", and add insult to injury by further stating that the relocation centers were established "out of racism, greed, economic and political exploitation".

The site of the Tule Lake Segregation Center, is marked with a bronze plaque stating that "women and children were placed behind barbed wire". This is absolutely false! There was not a single string of barbed wire at Tule Lake when it was a relocation center. When it was transferred from the War Relocation Authority to the military, changing from a relocation center to a segregation center for the "disloyals" (those refusing to take unqualified allegiance to the United States, or waiting for expatriation or repatriation to Japan), there was barbed wire to keep control of the anti-American persons within the confines of the segregation center.

Until that time, evacuees at the Tule Lake Relocation Center, were not behind barbed wire, and there's ample photographic evidence that the evacuees enjoyed Sunday picnics on Castle Rock -- outside the limits of Tule Lake Relocation Center--as well as sled-riding in the winters off those very same slopes.

Our United States Supreme Court admonished the ACLU in the case of Korematsu v. U.S., Oct. 1944 term, when the ACLU attorneys used the term "concentration camp" in its brief. The ACLU was admonished even when that term meant nothing more than "labor camp" or "a place for political prisoners". Our Supreme Court clearly recognized that the relocation centers and assembly centers were neither "labor camps" nor "places for political prisoners". Would the ACLU have used that term after 1945, when Gen. Dwight D. Eisenhower marched into Dachau and discovered what Nazi concentration camps really were? Of course not. In Mr. Justice Hugo Black's opinion, written for the Court, he states that "regardless of the true nature of the assembly and relocation centers -- and we deem it unjustifiable to call them 'concentration camps' with all the ugly connotation that term implies -- we are dealing here specifically with an exclusion order".

Those historical landmarks MUST BE CHANGED to read historically accurate for now and posterity. Will the Congress and the members of the CWRIC take the lead in this endeavor? Will the JACL and the National Coalition for Redress and Reparations "implement" the "findings" of CWRIC's report PERSONAL JUSTICE DENIED, by undoing their own work? In California, the sites of Manzanar and Tule Lake have landmarks emplaced by the Department of Parks and Recreation, "with the cooperation of the Japanese American Citizens League". Are historical landmarks to become chalkboards for political opinion? These two sites are the only ones NOT EMPLACED by the Commission responsible for the wording on markers. The Commission refused to state: "Emplaced by the California Historical Landmarks Commission". And for excellent reasons,as reported in my book.

Endnotes (continued)

3) In CWRIC's report, PERSONAL JUSTICE DENIED, it states that "not a single documented act of espionage, sabotage or fifth column activity was committed by an American citizen of Japanese ancestry or by a resident Japanese alien on the West Coast".

The CWRIC makes this wholly inaccurate statement because it would not avail itself of the thousands of pages of vital statistics, evidence, and documentation proving the contrary to be true:

a) The day of Pearl Harbor, the FBI rounded up ALL JAPANESE ALIENS known to be a danger to the United States. These aliens were placed into an internment camp under the Department of Justice. According to the Department of Justice memorandum, Dec. 15,1941, Re: Alien-Enemy Program, at the outbreak of war, 2:30 P.M., Sunday, December 7, 1941, the Special Defense Unit from the F.B.I., from March 21, 1941 to 2:30 P.M., December 7, 1941--had over 4,779 dossiers (with 1,627 tentatively classified as native born citizens --Japanese Americans).

The number of warrants prepared and issued by the Special Defense Unit between 2:30 p.m., Dec. 7, 1941, and Dec. 14, 1941, totaled 3,101. (Japanese---1,121; Germans---1.757---Italians---223).

Those who were determined to be AMERICAN CITIZENS, were not picked up by the FBI or any other agency. Criminal Division 81 memorandum, Civil Defense Section, had not yet determined "immediate prosecutive action". Quoting from the abovereferenced memorandum, Dept. of Justice: "With respect to persons who have now been determined to be citizens, either naturalized or native born, but who were nevertheless found to be dangerous to our scecurity..." Note that this information, plus "The Magic Papers" which showed that Japan was counting on the first and second generation Japanese (Issei and Nisei) in the United States to aid Japan in an impending invasion, is surely proof enough to discredit the CWRIC's "findings" regarding the "loyalty" of persons of Japanese descent.

b) At Tule Lake Segregation Center, although there were approximately six to seven thousand Americans of Japanese descent who were physically able to serve the United States in its armed forces, only TWO volunteered to do so. The remaining fell back on their dual citizenship, asking to be expatriated to Japan. Thus, they sat the duration of the war at Tule Lake, in safety, being fed housed, given medical treatment and recreational facilities. The children of these expatriates were "innocent"; yet today, many of these children of the disloyals are activists in the movement to collect monetary reparations. Some of them returned to America with their once-disloyal parent(s), the latter having discovered that perhaps they had made a mistake after all. These are the people who were then allowed to file for claims and collected same in the extension of the Claims Act (1950-52). Shall taxpayers now be unjustifiably burdened by a second raid on the U.S. Treasury by those who refused to serve the U.S.A. during WWII?

Endnotes, continued

4) The CWRIC's report PERSONAL JUSTICE DENIED, Page 1, has led the Congress and readers of this report into believing its statement: "In fulfilling this mandate, the Commission held 20 days of hearings in cities across the country, particularly on the West Coast, hearing testimony from more than 750 witnesses: evacuees, former government officials, public figures, interested citizens, and historians and other professionals who have studied the subject of Commission inquiry."

a)The 750 witnesses were HAND-PICKED and rehearsed by the JACL, the NCRR, the ACLU, and the staff of the CWRIC.

b)The CWRIC literally stacked the deck with officials they knew to be sympathetic to its preordained conclusions which had already been made public prior to a single hearing or testimony being heard.

c)The make-up of the Commission on Wartime Relocation was politically motivated, as was its establishment in the first place. Ironically, Baker was in favor of a Commission, hoping at long last that the documented truth would be told to counteract the 40 years of propaganda based on emotion and politics. Baker was invited to accept a Presidential appointment on the Commission, but turned it down. Although considered an honor, Baker felt that it would not be ethical for a member of this Commission to already have a viewpoint (whether based on documentation or not). Baker wanted to TESTIFY before an open-minded Commission willing to review the actual facts and circumstances as mandated by the Congress in its 1980 act which established the CWRIC. Congressman Dan Lungren,(R-CA), was then "drafted" to be a token of "non-partisanism". Any one studying the make-up of the Commission, would know that the members were of one mind and political "heart", having gone on record years prior to the establishment of the Commission, regarding the evacuation and exclusion orders. This was a stacked Commission from the start, and its staff was chosen strictly on the basis of prior committment to redress and reparations success.

Not one single person named in "special thanks" from the Commission in its report PERSONAL JUSTICE DENIED, is known to have given any views or testimony to refute the Commission's preordained conclusions.

The Commission states in its INTRODUCTION, that "a number of people in private life with particular knowledge or interest in the subject of the Commission's inquiry were especially helpful:", and these people represent only those who could add to the undocumented emotional findings of this Commission. Although the Commission was well aware of Baker's "particular knowledge or interest of the subject" -- (having written articles for more than a decade, debated the subject, contacted the Commission,etc.)-- the Commission did not seek "help" in obtaining evidence, documents, etc., available from Baker, and which were freely offered. These papers included the evacuee documents from the archives of the Stuart Library, University of the Pacific--untouched by any of the people mentioned in CWRIC's PERSONAL JUSTICE DENIED. The Commission obviously did not want to do its honest homework. It was only interested in the success of its political venture.

5) Documentation shows that although we had a force of fighting Americans of Japanese descent in the 442nd Combat Unit that went to Europe in 1944, these approximately 1,700 loyal Americans represent only 8 out of every 100 that could have served. It is clearly shown in documented statistics, that 92% of Americans of Japanese descent held dual citizenship, and refused to give unqualified allegiance to the United States and renounce the Emperor. The majority sat it out in safety at the relocation centers or were waiting expatriation at the Segregation Center at Tule Lake.

Surprisingly, over 16,000 requesting expatriation, had never been to Japan! The 442nd Combat Unit came from the relocation centers in the latter part of 1943. None were made to fight in the Pacific arena whereas Americans of German and Italian descent were given no choice but to face an enemy which represented many of their own ancestors.

The 442nd Combat Unit, having been in the relocation centers from 1942 to the latter part of 1943, knew their alien parents and younger brothers and sisters were well cared for by Uncle Sam. Why else would they have come out of the relocation centers to fight for America and side by side with other Americans? Unfortunately, these loyal Americans should not be used to cover up the "collective guilt" of those who one member of the 442nd wrote to Baker, "have agonized for 40 years" about their disloyalty to the country of birth.

The CWRIC, asks in S.2116, that we "review the less than honorable discharges" of Japanese-Americans. Among them are many prominent businessmen today who sat it out in safety at the relocation centers or who refused induction from those centers. On November 26, 1945, Salt Lake Nisei Jiro Sugihara was found guilty of draft violation having refused to report for army induction from Topaz Relocation Center. Sugihara recently made the news about his many successes in business. Obviously, the relocation center was preferable to service in the armed forces. There are more than 100 dishonorable discharges of those who were already in military uniform and refused to fight against Japan. Those 10 prominent businessmen who would like to "coverup past indiscretions", have succeeded in doing so by using the privacy act to hide their names, dates, and places.

6) On December 6, 1942, violence erupted at Manzanar Relocation Center, prior to the issuance of the ill-famed "loyalty oath" questionaire which produced the "yes-yes" and "no-no" evacuees. Those questionaires weren't distributed until February 1943. Yet the CWRIC's report, and other books upon which this report is based, uses the argument that it was the questionaire which caused the riots at Manzanar, Heart Mountain, and Tule Lake. The fact is that pro-Japan forces were at work at the assembly centers where they tried to disrupt the war work of loyal Japanese-Americans; where at Manzanar pro-Japan forces etched "down with U.S.A." on rocks and tried to run down by truck any one who volunteered to serve with the Japanese American Citizens League group who were called "dogs" by the pro-Japan forces within the centers.

On Oct. 7, 1981, a Letter to the Editor addressed to the RAFU SHIMPO, written by Joe Kurihara, reads: "March 21, 1942,* many of your friends and JACLers went into Manzanar voluntarily even before the camp was ready to occupy." The fact is, the JACL volunteers built Manzanar.

**Mar.21,1942,E.O.9102 established the War Relocation Authority.*

7) In the AMERASIA JOURNAL (1974), James Oda was referred to in this way: "March 21, 1942, you and your friends together put the following article in THE MANZANAR FREE PRESS (the newspaper at Manazanar Relocation Center, written and printed by the evacuees themselves):

> "The citizens of Manzanar wish to express in public their sincere appreciation to General John L. DeWitt, his Chief of Staff, Tom O. Clark, and Col. Karl Bendetsen, for the expedient way in which they handled the Manzanar situation. The evacuees now located at Manzanar are greatly satisfied with the excellent comfort that the General and his staff have provided for them (the evacuees). Can't be better, is the general feeling of Manzanar citizens. Thank you, General."

James Oda and his wife, Dr. Mary Oda, testified before the CWRIC in Los Angeles, about the terrible mistreatment. The Odas are now activists with the redress and reparations movement.

8) At the CWRIC hearings, San Francisco, Aug. 28, 1981, a proponent of redress and reparations confessed the following to the PACIFIC CITIZEN, as quoted in that JACL newspaper: "Elaine Black Yoneda, wife of retired longshoreman Karl Yoneda, described the fear that her family lived under during the reign of the marauding 'Manzanar Black Dragons', the pro-Japan group who terrorized camp internees and beat up loyal Japanese American leaders.

On the issue of reparations, Yoneda urged monetary reparations which would not really be too much burden on the economy considering the Defense Department is spending a trillion and one half dollars".

Karl Yoneda, is the only Japanese American to ever run on the Communist ticket for Secretary of State in California; his caucasian wife and their one child, were whisked out of Manzanar and sheltered from pro-Japan "Black Dragon" attacks, at Death Valley, California, until it was safe to return to Manzanar. Yoneda was also one of the first volunteers to go to Manzanar to make conditions liveable for evacuees.

9) CWRIC states that alien Japanese lost monies and property. Aliens could not own land during or prior to WWII. Properties were put in the names of American-born children who were automatically citizens by accident of birth. These properties which were not sold, were leased for the duration of the war. On August 27, 1946, the U.S. Treasury Department freed practically all of the Issei bank accounts which were frozen (not confiscated), since Dec. 7th, 1941, by General Ruling 11A. The properties leased for the duration, was one of the major reasons why a lobby composed of evacuees approached The Congress begging that the WRA centers NOT BE CLOSED in 1944* since the evacuees had no homes to return to until those leases expired. In addition, most did not want to return until after the war was over; others had already commented that they wanted to wait until the "outcome", still holding hopes that Japan would win.

The CWRIC's report, PERSONAL JUSTICE DENIED, states that FDR prevented the early closures of the War Relocation Centers in order to win the November 1944 election.

Endnotes,continued

10)In PACIFIC CITIZEN, JACL's newspaper, Friday, August28,1981, there appears a story written by Sachi Seko, who worked on the Gila News Courier,(camp newspaper). The heading: "Camp Newspapers Coming Home". Seko wrote: "Long after we are gone, it will be the written word that bears our testimony. The camp papers are a record of daily events as they occurred. It is important to preserve this documentation."

The CWRIC refused to use one sentence out of the treasury of evacuee newspapers available -- news items written AT THE TIME IT HAPPENED. These were made available to them by Baker. If these newspapers were used as the valid evidence they are, the CWRIC's "findings" would have to be completely reversed. For example:

THE DAILY TULEAN DISPATCH, EDITORIAL, Page 2., Thurs.,July 8, 1943
Heading: RELOCATE NOW![*]

"Many colonists, both nisei and issei, have been debating for sometime whether or not to find work on the outside. They have, apparently, been weighing the advantages with the disadvantages of getting work on the outside.

"There are no disadvantages in relocating now. Everything is in the colonists' favor. You have your future to think of. The sooner you begin shaping this future, the better off you will be.

"The myth that people are hostile to Japanese-Americans has now been fairly well exploded by the colonists themselves who have gone to all parts of the Middle West and East and parts of the South. Japanese-Americans everywhere are received well, wherever they have gone, with few exceptions and some of these 'exceptions' were induced by the behavior of the colonists themselves.

"Nothing will be gained by crying over split milk. What is past is past. Because of evacuation, many colonists are inclinded to be bitter and to be uncooperative now that the WRA is greatly facilitating colonists to relocate, and the Government is asking for manpower. To allow bitterness to cloud your decisions will hurt no one but you. The WRA is doing its utmost to get you to relocate now to almost any part of the country you may choose and paying your way. Floods of job offers are received daily from all relocation offices throughout the country. Opportunites unlike any offered heretofore are now available to you and only your willingness to accept them stands in the way of rehabilitation and assimilation into American life.

"Whatever deters you from making a wise choice now is a form of slavery--slavery to your own fear, resentment, indecision. Throw off the shackles and accept the full freedom now offered you.

"It takes stout heart to live in any country these days.

"It takes a stout heart even to live. But the dividends are manifold for those who have courage."

Is it any wonder the CWRIC refused to accept this kind of evidence? Is it any wonder the CWRIC and others banned Baker's book filled with such documentation, facts, and evidence?

[*] *The CWRIC's report, PERSONAL JUSTICE DENIED, insists that the evacuees were "prisoners" and "internees" and that they could not relocate to other parts of the United States. The evacuees,(who called themselves "colonists"), were not only urged to leave, but assisted in doing so. Contrary to CWRIC's findings, there was little "racism" on the part of Americans in accepting Japanese-Americans into their communities. When the JACL (Salt Lake City) was asked to accept Manzanar evacuees, the Japanese community of Salt Lake City said, "Don't send those radicals here!"*

BOOK REVIEW—WORLD WAR II   IMMEDIATE RELEASE   (825 words)

Bert Webber, SILENT SIEGE: Japanese Attacks Against
North America in World War II. YeGalleon,
1984. Two volumes bound in one cover. 7x10.
400 pages. 359 photos and drawings. 14 maps.
Notes. Appendixes. Bibliography. Index.
Hardback $22.95. (Shipping $2)
Distributed by Pacific Northwest Books Co.
P. O. Box 314 Medford, Oregon 97501. U.S.A.

Here is the authorative account of hundreds of Japanese attacks against North America that newspapers did not print.

Bert Webber, former teacher, librarian and free-lance newspaper cameraman, is now one of those rare breeds termed a research photojournalist. He spent years gathering first-hand materials about this little-known phase of the war and he has done "an incredibily meticulous job digging up all the facts," wrote the Japan Times (Tokyo).

Webber's book is captivating, honest, comprehensive, minutely detailed, thoroughly documented and well illustrated with photographs, maps and drawings.

A talkshow host on KGO radio (San Francisco) defined the work as "incredible documentary journalism." From a segment of an NBC TODAY SHOW in which Webber appeared: "These matters have not heretofore come to light!"

When reading Silent Siege we meet men and women, military and civilian, who set up the complex system for watching and guarding the long Pacific coastline of the United States and Canada.

Webber puts his readers right into the scene worrying with Admiral "Fuzzy" Theobald; sloshing through a Pacific Northwest rain forest with the Coast Guard setting up a Beach Patrol Station at Lake Ozette, and later heaving gauze bandage rolls tied together to form a lifeline to survivors on a wrecked Soviet freighter. We visit sites where Japanese bombs exploded. We reflect apprehensively that few of the 30,000 bombs the Japanese sent across the ocean dangling from stratosphere-drifting gas balloons have been accounted for—some as far east as Michigan—and others plausibly remain a latent hazard in at least 26 states and provinces. (Most recent find: 1978!)

Bert Webber looked closely into the Japanese Navy's shelling of an oil field near Santa Barbara, and talked with some who were caught in the "rain" of anti-aircraft shell fragments that clinked in the streets and cluttered flower beds during the jittery night of the "Battle of Los Angeles." His account of the Imperial Navy's shelling of Fort Stevens, Oregon and Estevan Point lighthouse in British Columbia is revealing from both sides of the war and is complete with comic breaks.

-2-2-2-2-2-

Determined to learn how the Japanese carried out these attacks, Webber interviewed surviving members from three submarines that sank ships, shot up and threatened the "Pacific Sea Frontier" as the west coast was called by the U. S. Navy.

He was actively assisted by Japanese scientists who devised then launched the balloons. Together with some of these men, Webber visited a former launch site in Japan and secured a full account with a wealth of photos, diagrams and some parts of the deadly mechanisms the Japanese had secretly hidden for decades.

One of his collaborators was Fujita-san, the lone flyer who piloted an Imperial Navy bomber over Oregon, dropped bombs and started a forest fire.

In no other work will one learn particulars Webber calls an "Aleutian Headache." Here he describes the bombings of Dutch Harbor followed by the intense search by American fliers to find the Japanese, and of P-40's rising from a secret American base to shoot down the attackers. Here also is chronicled the only ship-to-ship battle of the entire Pacific War this occuring in the frigid ocean near the Soviet Komondorski Islands. Webber relates inter-service back-biting among American top commanders some of whom were later fired! (The Japanese also fired an Admiral.)

Most Americans didn't know until now that the Japanese were working on a nuclear bomb, yet author Webber tells of submarine trips to Europe for uranium and what became of Japanese cyclotrons when American conouerers discovered them at war's end.

Bert Webber's handling of the still intensely debated relocation of Japanese-Americans makes a full chapter in itself. His thoroughly documented study caused him to conclude: "As to Concentration Camps in the United States, which numerous people claim to have existed, there were none!"

Silent Siege is an absorbing story, all the more so because it's all true and through its pictures the whole story comes to life before our eyes. It makes clear, as perhaps nothing else might, Japan's retaliatory answer to the Doolittle Raiders. The book is fascinating. It's hard to put down. It's invaluable to everyone interested in the subject. It is a poignant book that shows heroism on an individual basis on both sides of the war. In addition, Webber's obvious integrity as a scholar and his ability to look objectively at both sides, while at the same time telling a good story, makes this book unique. This is a "must read' book. It will be a great gift for all who remember the war or who want to know more about it.

##

Silent Siege passes Book Selection Criteria for use in schools for upbuilding of curriculum in American history grades 8—up, and for general circulation in school and public libraries.

This review prepared by New Titles Publicity Department, Pacific Northwest Books Co.

Silent Siege is scheduled to appear in Japanese language in about one year.

COPY

LILLIAN BAKER
15237 Chanera Ave.
Gardena, California 90249
(213) 329-2619

Page 1 of 4 (Cover Letter)
plus 23 pages EXHIBITS, to
be included with Written
Statement of Testimony

August 9, 1984

Hon. Ted Stevens, Senator
United States Senate Subcommittee
Civil Service, Post Office and General Services
SH-601
United States Senate
Washington, D.C. 20510

Attn: Pat Phillips

Re: Aug.16,1984 HEARING S.2116
Los Angeles, CA.

Dear Senator:

Enclosed are sixteen (16) EXHIBITS, five copies of each, which are to be included in the record of the above-referenced hearing. These Exhibits are documents and evidence to substantiate my written Statement of Testimony which is at your office.

The delay in sending these is due to the short notice of less than a week to prepare 125 copies of my written Statement and Summary and have them in Washington, D.C. by the 10th of August. The notification informing me that I would be a witness at this hearing was postmarked July 31, 1984, and did not reach my home in Gardena, California until late Saturday afternoon, August 4th, 1984. Nevertheless, by setting all else aside and working diligently, I have been able to comply with your request and am gratified to know that my work will be made available for researchers and future historians...and for your Subcommittee's work.

Please make the following part of my written testimony and record of hearing:

EXHIBIT 1: Revised Presidential Authorization of Hawaii Evacuation to Mainland, July 15, 1942, in which the document shows that Americans of Japanese descent were known to be a "source of danger" on the Islands. Because Americans could not be interned with aliens, it was necessary for the War Relocation Authority to arrange for resettlement of "up to fifteen thousand persons". This refutes the claim by CWRIC that there was no evacuation in Hawaii. The document also clearly states: "...through application for a writ of habeus(sic) corpus any United States citizen can obtain release from custody". [Habeas corpus was never denied Japanese Americans]

EXHIBIT 2: The CWRIC states in its "findings" that President Roosevelt "postponed the closing of the War Relocation Authority centers" for political gain. On July 13, 1945, the WRA center at Topaz asked the WRA to rescind orders closing the WRA centers by Nov. 1, 1945. One of the main reasons against closure was the fact that evacuee properties were LEASED (not lost) for the duration of the war. (Also see EXHIBIT 9).

EXHIBIT 3: Several proponents for reparations have stated in the media that there were "rapes at bayonet point by American soldiers of Japanese women in the WRA centers"; "a number of people were shot while trying to escape the WRA centers"; "a small boy was shot crawling under barbed wire to retrieve a ball", etc. Exhibit 3, is a copy of the letter received from the former Director of the WRA centers, Dillon S. Myer. In this letter, Mr. Myer emphatically denies one of these claims, regarding "people who were shot in every camp while trying to escape". Mas Fukai, City Councilman (Gardena, Ca.), testified that Japanese women were raped at bayonet point by American soldiers and that he "will never forget the screams of the women".

Mas Fukai was taken to task in the ethnic press for his perversion of the truth; yet Michi Weglyn, author of "Years of Infamy: The Untold Story of America's Concentration Camps", uses Fukai's letter written to the Editor of the Gardena Valley News, as her one example of "an atrocity".

EXHIBIT 4: New release of evidence of disloyalties by Japanese-Americans. The Commission on Wartime Relocation and Internment of Civilians, reported in PERSONAL JUSTICE DENIED and in written testimony, that there was "not a single act of sabotage or disloyalty" on the part of Japanese-Americans or Japanese aliens during WWII. The CWRIC refused to study or consider documents to refute this. Exhibit 4 is just one of the hundreds of such documents available under the broadened Freedom of Information Act of 1977. The CWRIC preferred to fall back on books written prior to the release of this vital information; in addition, when informed that such documentation and evidence existed, the CWRIC discarded the suggestion that such vital data be studied with the excuse that there wasn't "sufficient time" because the CWRIC's "findings and recommendations" were already past due according to its mandate. If the CWRIC was intent on seeking the truth, it could have applied for an extension, as it had twice before with lesser priority and reason.

EXHIBIT 5: This document takes up the disloyalty question and the transfer of Tule Lake from a relocation center to a segregation center. This transfer meant that this center would no longer be under the WRA control (civilian), but under the military. Once Tule Lake became a segregation center wherein resided anti-American persons and "troublemakers", it was necessary to confine these radical forces by the installation of barbed wire fences. When Tule Lake was a relocation center under the WRA, there was not a single string of barbed wire, as was reported by the visiting press at the time. The photographs of Tule Lake Relocation Center and press reports appear in my book, THE CONCENTRATION CAMP CONSPIRACY: A SECOND PEARL HARBOR -- a book which the CWRIC refused to accept for consideration in its "findings and recommendations".

EXHIBIT 6: The CWRIC states that evacuees were "prisoners" and "internees" -- for the duration of the war. The CWRIC states that loss of educational opportunities is one of the factors in recommending monetary payment. This document shows that more than 3000 Japanese-Americans were assisted in leaving the centers to attend colleges and universities (over 500 throughout U.S.A.), and this is where these J-A "evacuees" spent the war years. Note that over 500 universities, church groups, etc., came to the assistance of J-A's (as well as alien Japanese), thus refuting the charge that America was "racist" toward Japanese race. Americans were outraged by Pearl Harbor and Imperial Japan, and justly so. Yet throughout the United States, J-A's remained on jobs, in homes, in colleges and other Americans were urged to be tolerant of those who "looked like the enemy". If, as CWRIC states, the evacuation and exclusion order was "racist", why weren't Japanese affected in the other 44 States?

EXHIBIT 7: One of hundreds of examples of newspapers printed by the evacuees themselves, in the WRA centers. The last page of this exhibit shows an attachment of the cover of the 1944 Souvenir Year Book (graduating class, Manzanar Relocation Center High School). In this on-the-spot drawing by an evacuee, one can clearly see that the "barbed wire" consisted of no more than 3 low-strung pieces of barbed wire (cattle guard), on posts of natural wood. The "barbed wire" was not "barbed wire fences", nor were there any "guard dogs" or "men in watchtowers with loaded machine guns". Note the reported activities of the evacuees. In my written testimony, Page 18, Endnotes -- Sachi Seko, who worked on the Gila News relocation center newspaper, rightly states that the camp papers "are a record of daily events as they occurred". The CWRIC refused to accept this kind of documentation.

LILLIAN BAKER
15237 Chanera Ave
Gardena, California 90249
(213) 329 2619

EXHIBIT 8:One example (of thousands available), where declassified documents are clearly stamped 1977. Books written in the forties, fifties, and sixties are the basis of "findings and recommendations" of CWRIC. The CWRIC's hearings had reports of ill-treatment and "rounding up" of Japanese-Americans by "special agents swooping down without notice", etc., etc. Exhibit #8 is one of hundreds of examples where the "civil rights" of American citizens of Japanese descent were protected even when known alien enemies were residing in the same home.

EXIBIT 9:From Chapter 24, "JAPANESE IN SOUTHERN CALIFORNIA - A HISTORY OF 70 YEARS" published by the Japanese Chamber of Commerce of Southern California (1960), there is the full story in this book about why the evacuees PROTESTED closing of the WRA centers. The CWRIC stated it was "politically motivated". This "finding" is without basis in fact. Further evidence is to be found in the 1943-45 Joint Fact Finding Committee on Un-American Activities relating to "the Japanese problem in California". These documents were made available to the CWRIC by Baker, but were ignored.

EXHIBIT 10: "On television, in testimony before the Congress, and in many newspaper stories I have read of wounded Japanese-Americans returning from the war to find their parents 'behind bars, unable to leave the concentration camps.' One wonders what was gained by such lies." This is an excerpt from letter from Milton S. Eisenhower, first Director of WRA. Eisenhower's statement to CWRIC is taken from the text of his book, THE PRESIDENT IS CALLING -- a book written prior to the release of vital evidence proving the evacuation was, indeed, necessary. Only those in the top command were aware of "The Magic Papers" and other top secret information regarding the potentially dangerous situation on the endangered West Coast. (Exhibit 10A and 10B are Eisenhower's letter) Exhibit 10B shows that despite his personal feelings about the evacuation, Eisenhower believes the monetary demands are "unwarranted".

EXHIBIT 11:Feb.17,1942(two days before E.O.9066,Feb.19,1942), the City of Gardena was begging the Federal Government to take over the REFUGEE PROBLEM--Japanese and Japanese-Americans coming to Gardena where there were not sufficient or adequante housing facilities to shelter them. This Resolution pertained to alien Japanese and their American-born children. In 1984, Mas Fukai, Councilman of Gardena and aide to County Supervisor Kenneth Hahn, instigated the move for $5000 "restitution" to those who were made to evacuate because of "racism". Fukai is the same evacuee at age 15 (now a Councilman), who claimed Japanese women were raped. He admits his parents were Japanese aliens who had come to this country to "make money and go back to Japan rich on American dollars". (Quote is from a L.A.TIMES interview)

EXHIBIT 12: William Hohri of the National Council for Japanese American Redress, (Chicago), exposes the JACL in his review of the JACL "story" -- Bill Hosokawa's book, "JACL in Quest of Justice". Hosokawa was one of editors of CWRIC's report, PERSONAL JUSTICE DENIED. CWRIC never once sought out unbiased editors. On the reverse side of Exhibit 12, is a copy of the flyer mailed out regarding Baker's book, THE CONCENTRATION CAMP CONSPIRACY: A SECOND PEARL HARBOR. A copy of this book was mailed at Baker's expense to every elected Congressman and Senator, to every member and staff of the CWRIC, to the JACL National Headquarters, and hundreds of unviersity libraries. Less than 25 acknowledged receipt of same; in Fukai's instance, the book was returned "refused" (after 3 months). The publication of this book was accomplished by Baker selling a large personal collection of valuable antiques. One publisher who was approached said that if his company published this book, it would make all other works on the subject published by his company "obsolete". Another publishing company would accept it if their own "historians" could check out

the documents and statements in the manuscript. Considering that I spent over 10 years in doing this, one can well imagine the final book being published sometime in the next century! Because of the CWRIC's "mandate", it was necessary that this book be published AT ONCE, in the niave assumption that the CWRIC would use it in its final recommendations. But in fact, the CWRIC disregarded the value of Baker's work and subsequent publication, despite the fact that the Introduction was written by the former Director of the WRA, and has since been acclaimed and recognized as worthwhile by the Conference of California Historical Societies, Dr. Milton S. Eisenhower, and other archivists. All of the voluminous files of documentation accumulated by Baker for more than a decade, was offered at no taxpayer's expense to the CWRIC.

EXHIBIT 13: "HISTORY FALSIFIED TO WIN RELOCATION PAY" is the headline of Kiyoaki Murat~~t~~a's article, Aug. 18, 198~~4~~3. Murata was an alien Japanese student prior to WWII. The day of Pearl Harbor, he reported to a relocation center; after 9 months, he left to conclude his education in U.S.A.,EVEN WHILE WE WERE FIGHTING JAPAN. Murata, former editor of THE JAPAN TIMES (before his retirement, Tokyo), predicted the outcome of the Commission's distortion of facts in an earlier article, Aug.21, 1981 "JAPAN TIMES", Tokyo. Once again, the statement of an evacuee refutes the CWRIC's "findings" that evacuees were not able to leave the WRA centers "for the duration".

EXHIBIT 14: One of many letters written to the CWRIC, protesting the undemocratic practices and procedures at the hearings. When Baker appeared in Washington, D.C., at the July 1981 hearing, the treatment accorded me was much like an "inquisition" rather than a "hearing". Whereas the proponents of redress and reparations were given TWO DAYS of hearings -- since they were the ones solicited by CWRIC -- I was not even given 30 minutes! My testimony was never completed, being interrupted by comments and challenges by former Justice Arthur Goldberg. No other statements or testimony were so-challenged; in fact, during testimony, the proponents were greeted with cordial "prodding", urging them to introduce thoughts to strengthen their emotional presentations. None of their statements were challenged. When it came to the questioning of Baker -- there were no questions because any questions might lead to the introduction of evidence and documents to refute the former testimony. Baker's full testimony appears in her book, THE CONCENTRATION CAMP CONSPIRACY: A SECOND PEARL HARBOR, including Goldberg's comments.

EXHIBIT 15: THE AMERICAN LEGION adopted a resolution urging Congress to dismiss action that claims redress and reparations. On the reverse side of the letter from The American Legion, is one page of declassified information relative to the disloyalties of Japanese-Americans. AMERICAN-BORN JAPANESE APPLYING FOR EXPATRIATION TO JAPAN. These REPATRIATION PAPERS WERE FILED WITH THE WARTIME CIVIL CONTROL ADMINISTRATION, (prior to the WRA), and included further applications filed with the War Relocation Authority. *Note that thousands of Americans of Japanese descent applied BEFORE the evacuation even took place! Yet the CWRIC "finds" there was not a single case of "disloyalty". *The "evacuation" has been held responsible for these "disloyalties".

EXHIBIT 16: NEWS RELEASE, National Headquarters, V.F.W. - NEVER "REPARATIONS" FOR WEST COAST JAPANESE-AMERICANS, Washington, D.C. -- James R. Currieo, Nat'l Commander-in-Chief. This NEWS RELEASE did not appear in any newspaper other than the ethnic newspaper, whereupon it brought protests from the 442nd Unit's spokeman. Statistics show that for every 100 Japanese-American who could have served in the 442nd, only 8 volunteered to do so. [For further data, see written testimony]

Please make this letter, my comments, and the Exhibits enclosed, part of my written testimony for the Hearings S.2116. Thank you.

Respectfully,

Lillian Baker

Lillian Baker (Mrs.)

Encl: Exhibits 1-16 consisting of 23 pages

COPY

A TRUE COPY

Exhibit
#1

Appendix 2

REVISED PRESIDENTIAL AUTHORIZATION OF HAWAII EVACUATION TO MAINLAND

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90249

(Stamped SECRET originally--Reclassified 9/27/58, Date 4-3-59, Signature Carl L. Spicer)

July 15, 1942

MEMORANDUM FOR THE PRESIDENT:

Presidential approval was given on March 13th to a directive proposed by the Joint Chiefs of Staff which would authorize the Commanding General, Hawaiian Department, to evacuate to the mainland of the United States for *internment in concentration camps** Japanese residents of the Hawaiian Islands, either United States citizens or aliens, who were considered by appropriate authorities in the Islands to constitute a source of danger.

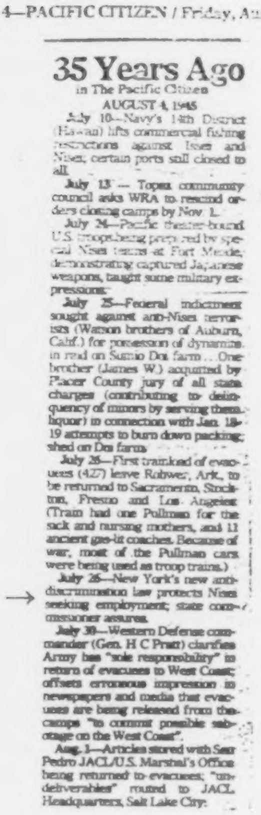
It has been found that this procedure is not feasible, *as through application for a writ of habeus (sic) corpus any United States citizen can obtain release from custody*. Consequently, agreement was reached by the Secretary of War and the Secretary of the Navy that family groups of Japanese ancestry should be evacuated to the mainland for *resettlement, rather than internment*.** Tentative arrangements have been made with the War Relocation Authority for the resettlement of up to *fifteen* thousand persons.

---

* Note date, July 15, 1942--*before* connotation of Nazi "death camps", 1945.

** Internment camps were for enemy *aliens* only.

Baker's ~~Author's~~ emphasis



4—PACIFIC CITIZEN / Friday, August 1-8, 1980

35 Years Ago

in The Pacific Citizen

AUGUST 4, 1945

July 10—Navy's 14th District (Hawaii) lifts commercial fishing restrictions against Issei and Nisei; certain ports still closed to all.

July 13 — Topaz community council asks WRA to rescind orders closing camps by Nov. 1.

July 24—Pacific theater-bound U.S. troops being prepared by special Nisei teams at Fort Meade; demonstrating captured Japanese weapons, taught some military expressions.

July 25—Federal indictment sought against anti-Nisei terrorists (Watson brothers of Auburn, Calif.) for possession of dynamite in raid on Sumio Doi farm ... One brother (James W.) acquitted by Placer County jury of all state charges (contributing to delinquency of minors by serving them liquor) in connection with Jan. 18-19 attempts to burn down packing shed on Doi farm.

July 25—First trainload of evacuees (427) leave Rohwer, Ark., to be returned to Sacramento, Stockton, Fresno and Los Angeles. (Train had one Pullman for the sick and nursing mothers, and 11 ancient gas-lit coaches. Because of war, most of the Pullman cars were being used as troop trains.)

→ July 26—New York's new anti-discrimination law protects Nisei seeking employment; state commissioner assures.

July 30—Western Defense commander (Gen. H C Pratt) clarifies Army has "sole responsibility" to return of evacuees to West Coast; offsets erroneous impression in newspapers and media that evacuees are being released from the camps "to commit possible sabotage on the West Coast".

Aug. 1—Articles stored with San Pedro JACL/U.S. Marshal's Office being returned to evacuees; "undeliverables" routed to JACL Headquarters, Salt Lake City.

Exhibit
#2

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. [illegible]

THE JAPANESE AMERICAN CITIZENS LEAGUE AND THE EVACUEES PROTESTED THE CLOSING OF THE WAR RELOCATION AUTHORITY CENTERS--THE COMMISSION ON WARTIME RELOCATION & INTERNMENT OF CIVILIANS WRONGLY ACCUSED F.D.R.

JULY 13, 1945

"TOPAZ COMMUNITY COUNCIL ASKS WRA TO RESCIND ORDERS CLOSING CAMPS BY NOVEMBER 1, 1945"

THE CWRIC STATES THAT FRANKLIN DELANO ROOSEVELT "POSTPONED" THE CLOSING OF THE WAR RELOCATION AUTHORITY CAMPS BECAUSE OF "POLITICALLY MOTIVATED" REASONS, THUS DELAYING FOR 18 MONTHS THE "RELEASE" OF EVACUEES.

THE RECORD SHOWS CLEARLY, THAT IT WAS THE ACTIONS OF THE DELEGATES FROM THE VARIOUS RELOCATION CENTERS THAT PREVENTED THE CLOSING OF THE CAMPS.

REASONS:

1) LEASES OF EVACUEE PROPERTY ~~ARE~~ were FOR THE DURATION OF THE WAR WITH JAPAN.*

2) EVACUEES WERE AFRAID TO RETURN TO COMMUNITIES UNTIL THE WAR WAS OVER.

3) HOUSING PROBLEMS.**

*Proof positive that evacuee properties were LEASED, by and large, and were not "lost". Those that were sold, were done so by many evacuees who decided to remain on the East Coast or midWest where they had relocated from the center

**See 1960 publication, "JAPANESE IN SOUTHERN CALIFORNIA-First 70 Years"

TRUE COPY OF LETTER RECEIVED FROM DILLON S. MYER, DIRECTOR WRA

A TRUE COPY

Exhibit
#3

Lillian Baker
15237 CHANERA AVE
GARDENA, CALIF. 90245

Feb. 10, 1981

Dear Lillian Baker: This note is in response to your memo of Feb. 2.[1981]

As regards to Phil Shigekuni statement that people were shot in every camp while trying to escape:
I know of NO instant[sic] where people were shot while trying to escape.

Because Manzanar and Tule Lake were located In California, people could not come and go as freely because of them being located in the evacuated area.

If anyone was shot I would have known about it. I have no memory of any such case.

The War Relocation Authority was established only after evacuee[s] who moved out on their own ran into trouble from the local population.

W.R.A. camps were established as temporary homes for evacuees until they could be relocated otherwise.

The W.R.A. established relocation officers to locate jobs for evacuees and to assist them in relocation from the camps.

Many of the older aliens refused to leave the camps because they felt more secure in the camps.

It's true that there were armed guards at each camp. These guards, in addition to other problems, they helped protect the people in the camp from misguided attacks from local citizens.

We were successful in finding jobs and in relocating several thousand outside the camps by the end of the war.

The W.R.A. did its very best to get people to leave the camps once jobs were available, and of course many thousands did leave.

I hope your husband has fully recovered from his operation.

In case I haven't answered fully let me know and I will be glad to do better.

Sincerely,

[signed] Dillon Myer

DILLON S. MYER WAS THE FORMER DIRECTOR OF THE WAR RELOCATION AUTHORITY. MR. MYER WAS HONORED BY THE JAPANESE AMERICAN CITIZENS LEAGUE (JACL) IN TWO TESTIMONIAL DINNERS. JACL'S WASHINGTON REPRESENTATIVE, MIKE M. MASAOKA WROTE: *"The testimonial represented the affection and esteem in which Mr. Myer was held by the evacuees whose lives he had supervised through their great travail" and that "more than two decades later [1966], that testimonial has continued to represent the sentiments of those evacuees".*

Exhibit #4

•NEW RELEASE OF EVIDENCE OF DISLOYALTIES

FROM: Lillian Baker
15237 Chanera Ave.
Gardena, CA 90249

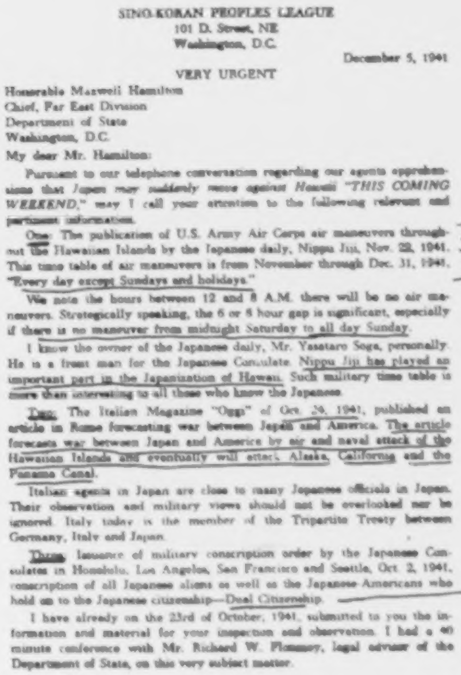
SUBJECT: "Redress & Reparations" for persons of Japanese descent

•THERE ARE EIGHT(8) VOLUMES OF SPY REPORTS NOW AVAILABLE UNDER THE BROADENED FREEDOM OF INFORMATION ACT.

THE COMMISSION ON WARTIME RELOCATION & INTERNMENT OF CIVILIANS REPORTED "not a single act of sabotage or disloyalty" on the part of Japanese-Americans or Japanese aliens during WWII. These "findings" are completely refuted by the following documents released from the archives. [The CWRIC was not and is not concerned with documentation. This Commission's "findings" were preordained.]

•LET THE TRUTH AND THE FACTS BE KNOWN!

•December 5, 1941 Kilsoo K. Haan of the Korean Underground warned the United States of the forthcoming attack on Pearl Harbor, but our leaders ignored the warning. HIS LETTER IS SHOWN BELOW: [a true copy]



SINO-KORAN PEOPLES LEAGUE
101 D. Street, NE
Washington, D.C.

December 5, 1941

VERY URGENT

Honorable Maxwell Hamilton
Chief, Far East Division
Department of State
Washington, D.C.

My dear Mr. Hamilton:

Pursuant to our telephone conversation regarding our agents apprehensions that *Japan may suddenly move against Hawaii "THIS COMING WEEKEND,"* may I call your attention to the following relevant and pertinent information.

One: The publication of U.S. Army Air Corps air maneuvers throughout the Hawaiian Islands by the Japanese daily, Nippu Jiji, Nov. 22, 1941. This time table of air maneuvers is from November through Dec. 31, 1941, "Every day except Sundays and holidays."

We note the hours between 12 and 8 A.M. there will be no air maneuvers. Strategically speaking, the 6 or 8 hour gap is significant, especially if there is no maneuver from midnight Saturday to all day Sunday.

I know the owner of the Japanese daily, Mr. Yasataro Soga, personally. He is a front man for the Japanese Consulate. Nippu Jiji has played an important part in the Japanization of Hawaii. Such military time table is more than interesting to all those who know the Japanese.

Two: The Italian Magazine "Oggi" of Oct. 20, 1941, published an article in Rome forecasting war between Japan and America. The article forecasts war between Japan and America by air and naval attack of the Hawaiian Islands and eventually will attack Alaska, California and the Panama Canal.

Italian agents in Japan are close to many Japanese officials in Japan. Their observation and military views should not be overlooked nor be ignored. Italy today is the member of the Tripartite Treaty between Germany, Italy and Japan.

Three: Issuance of military conscription order by the Japanese Consulates in Honolulu, Los Angeles, San Francisco and Seattle, Oct. 2, 1941, conscription of all Japanese aliens as well as the Japanese-Americans who hold on to the Japanese citizenship—Dual Citizenship.

I have already on the 23rd of October, 1941, submitted to you the information and material for your inspection and observation. I had a 40 minute conference with Mr. Richard W. Flournoy, legal adviser of the Department of State, on this very subject matter.

JAPANESE STRUCK PEARL HARBOR
11:AM SUNDAY DEC 7, 1941

AMERICANS OF GERMAN & ITALIAN DESCENT DIDN'T HAVE DUAL CITIZENSHIP. NOR WERE THEY REQUIRED TO, AS WERE JAPANESE-AMERICANS.

[Letter continued other side]

Kindly read Senator Guy M. Gillette's remarks in the Congressional Record, October 2, 1941 on the same subject.

Four: Japanese War Plan Book—"THE THREE POWER ALLIANCE and the U.S. JAPAN WAR" by Kinoaki Matsuo, published in Japan October 1940, only one month after the signing of the Tripartite Pact. If you will read chapter 10 "The Opening Period of War" you will note the following significant statement and plan—a blueprint to open an undeclared war against America:

"When will the military action of the U.S.-Japanese war start?"

"Until the two countries cross swords there must be a series of diplomatic conversations. Our experience in the Russo-Japanese war, revealed diplomatic negotiations were prolonged until actual outbreak of war. It must be therefore remembered even up to the outbreak of war, there must be diplomatic conversations continued as usual in some form, at least until the initiation of military action. From the strategical standpoint J[illegible] blessed to take the offensive."

Chapter 17: "The Japanese Surprise Attack Fleet."

"There is no doubt that in the event of war . . . Japan will grasp the best opportunity to strike the enemy in advance."

Sir, if the press accounts of the HULL-NOMURA-KURUSU diplomatic conversations are correct, the Japanese have gained the necessary time. Japanese activities in Hawaii and California, Oregon, Washington and New York show signs that Japan is ready to strike and strike without warning as Matsuo boldly pointed out.

The President and Secretary of State should be warned of this plan at once. We fear the book which was submitted to your Department last March 25, 1941, is being overlooked.

I am informed that G-2 has already underestimated the strategic and diplomatic significance of this book.

I trust at least you will read the two chapters 10 and 17—and see the overall Japanese strategy relative to the Japanese diplomatic maneuvers during the past 6 months.

Five: Our Oct. 28, 1941 report addressed to Secretary of War, Henry L. Stimson. A copy of this letter was mailed to the Department of State the same day. May I quote the report:

"Hirota, former foreign minister, now the 'Big Stick' of the Black Dragon Society, in their August 26 meeting told the news that War Minister TOJO has ordered a total war preparation to meet the armed forces of the United States in the Pacific Emergency. TOJO is said to have told him of the Navy's full support of his policy against America."

"He also spoke to TOJO giving orders to complete the mounting of guns and rush supplies of munitions to the Marshall and Caroline group by November, 1941. Hirota and others present in the meeting freely discussed and expressed opinions as to the advantages and consequences of a war with America. Many expressed the most suitable time to wage war with America is December 1941 or February 1942."

It is therefore our considered observation and sincere belief, December is the month of the Japanese attack and that the SURPRISE FLEET attack is aimed at Hawaii, perhaps the first Sunday of December.

Please do not consider our persistent warnings impertinent and presumptuous. We are only carrying out our conscientious convictions. We know the Japanese. To learn about Japanese activities against America is our business. We have made it our business since 1932.

No matter how you feel toward our work, will you please convey our apprehensions and this information to the President and to the military and naval commanders in Hawaii.

In the interest of America's security and the cause of Korea's freedom,

Respectfully,
/s/KILSOO K. HAAN
KILSOO K. HAAN

WHY IS OUR MEDIA COVERING-UP THE RELEASE OF "THE MAGIC PAPERS" WHICH PROVIDE AMPLE EVIDENCE OF KNOWN DISLOYALTIES BY JAPANESE-AMERICANS WHO WERE EXPECTED TO BE SUPPORTIVE OF THE PROPOSED PENDING INVASION OF OUR WEST COAST BY THE EMPIRE OF JAPAN? BECAUSE ALIEN & AMERICAN-BORN JAPANESE WITH DUAL CITIZENSHIP WERE REMOVED AS A POSSIBLE "FIFTH COLUMN", THE JAPANESE MILITARY REALIZED IT COULD NOT SUCCESSFULLY INVADE OUR WEST COAST MAINLAND AS IT HAD THE ALEUTIAN ISLANDS AND ALASKA.

Page 2. [refuting the "findings" that there were no disloyalties]

In the Pre-War Espionage Files, disclosed by Mr. Haan and his compatriots, a Tokyo order, two months before Pearl Harbor, revealed that all Japanese-Americans in the United States had been notified of their conscription by the Japanese Army. In actuality, records show that about 75 per cent of the 70,000 West Coast Japanese-Americans acknowledged dual citizenship. In a statement issued by Tadaaiki Iizuka, of the foreign office in Tokyo, all Japanese-Americans were urged to retain their dual status "because they loved Japan more than the United States".

United States intelligence agents found enough evidence to convince the United States Army that all West Coast Japanese American-born, as well as alien-born, should be moved to relocation centers out of the coastal zone of military operations.

In 1941, Mr. Haan of the Korean Underground, stated that the Imperial Army paid official tribute to the espionage work of the NISEI, of which General Toku Sugiyama wrote:

Japanese-Americans

> "Many Nisei are returning to Japan with a mass of material collected in California. What they gain and what they do is by no means unimportant. The NISEI have made a-signigicant contribution to Japan, but in many cases these facts must remain hidden. At this most crucial moment the NISEI did the work by assuming responsibility as is befitting great patriots. In connection with the rapid growth of cultural societies in recent years, the NISEI have played an important part through their work as translators, lecturers, travelers and in other hidden ways. The role of the NISEI at the present moment is of utmost importance".

[Note: The above information was supplied by one of our many dedicated supporters of anti-"redress & reparations"]

Congressman DIES reported that at least 25% of all Japanese in America of DRAFT AGE were openly DISLOYAL to the United States. Senator Chandler declared that 50% of the Japanese at MANZANAR had declared their loyalty to Japan and 40% of of the Japanese at HOSTUNG had done likewise.

The actions of this group of Japanese who are asking for REPARATIONS is shameless. Senator S.I. Hayakawa called them "A young wolf-pack of Japanese American dissidents who weren't even born during World War II".

[CONTINUED OTHER SIDE]

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ow available WITHOUT CHARGE from: Hon. Charles E. Grassley, Chair, Subcommittee on Administrative Practice and Procedure, Committee on the Judiciary, U.S. Senate, Wash., DC 20510-- 489 page government publication titled: HEARING BEFORE THE SUBCOMMITTEE ON ADMINISTRATIVE RACTICE AND PROCEDURE, "Japanese American Evacuation Redress"(Senate Bill S.1520). This volume ontains the full oral and written testimony with over 150 pages of documentation, presented uly 27, 1983, by Lillian Baker. ASK FOR: Serial No.J-98-57.

THERE WAS NO QUESTION THAT WE HAD DISLOYAL JAPANESE AT THE TIME. THERE IS NO QUESTION THAT SOME OF THEM HAD GREAT DEVOTION TO THE FATHERLAND. The insurrection at MANAZAR was where many Japanese denounced their allegiance to the United States, while they were in the center.

[quoted from the Dies Report of Problems with the Japanese in California during WWII, re: DISLOYALTIES]

> What is related here, from a confidential source inside Manzanar, is not only authoritative but is indicative of the spirit of Japanism in the breast of too many loyal Japanese-Americans that bears out fully the early affinities of this report. What happened in Manzanar, happened in other centers. And the reason there were riots in these centers was because there were loyal Japanese-Americans who opposed these people. On August 8, 1942, nearly 500 Kebei-Issei and Nisei gathered in Mess Hall #15 at Manzanar, under the chairmanship of Ben Kishi. The meeting was conducted in the Japanese language with the consent of the Center administration, and was called for the purpose of discussing their living conditions. The meeting developed into a bitter denunciation of the Manzanar policies. One scheduled speaker—and please excuse me for the mispronunciation of the Japanese names," Mr. Francis apologized, "Kujohi Hashimoto, calling himself a Kibei-Nisei, hinted that he dares not say how the Kibei-Nisei felt regarding this country. Whereupon, Joe KARIHARA, born in Hawaii, sprang to his feet and demanded a voice on the floor. These were his words: 'I've never been in Japan! But, in my veins flows Japanese blood. The blood of the Yamoto DEMASHII. We citizens have denied our citizenship rights; we have no United States citizenship; we are 100% Japanese!' A roar of applause and a stamping of feet echoed this declaration."

The idea of reparations and a "national apology" for the evacuation of persons of Japanese descent from the West Coast during WWII, springs from a desire to have history recognize the relocation centers as "concentration camps", and align them with those under Naziism. This misunderstood episode in United States history can then be used for Communist propaganda, which is unwittingly supported by misled legislators.

THE DOCUMENTED FACTS MUST BE REVEALED TO AMERICANS WHO HAVE BEEN LED TO BELIEVE THAT AMERICA'S ACTION DURING WARTIME WAS "racist", and "a dark episode" in our past. NOT TRUE!

*"Despite the difficulty of relocating temporarily, many of those industrious and venturesome citizens were philosophical about their predicament. Several years after the war, Senator Hayakawa asked his Aunt Mary Furuyama how she felt about relocation. Her terse reply was both a question and a succinct acknowledgement of the situation that had then existed: 'What you think? There was a war.'

"In those six words that remarkable lady asserted a truth the heirs of those people we fed and housed and protected during the war have deliberately avoided in their ongoing mendicity."

*[letter from Harold D. Austin
Capt WSPRet
LtCol(OSI)USAFRRet]

→ Write your Senators and Congressmen, OBJECTING to both reparations and a national apology. URGENT YOU DO THIS NOW!

Document No. 5

Exhibit
#5

A TRUE COPY

DOCUMENT: MS33 1.3 GUY W. COOK NISEI COLLECTION, UNIVERSITY OF THE PACIFIC

*TULE LAKE IS
A SEGREGATION CENTER

REPORT OF THE SPANISH CONSUL
December 13, 1943

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90249

DATE: December 13,1943 TIME: 3:00 p.m. PLACE: Front of Mess 21

Introduction of Consul De Amat, State Department Representative Deckerbach and Translator Inouye.

CONSUL: I came here by the order of his Excellency, the Spanish Embassy. I came here to visit the people living in Tule Lake, especially the men and women born in Japan to which the protection applies. I want to talk to all of those who wish to talk to me. I answer many complaints, if there are any who wish to speak to me or any desires they wish to make to me.

I realize that in the present moment, you are facing certain problems that are rather disturbing and I believe that those problems have to be faced with goodwill, on the part of American authorities, and also with the Japanese residents.

Today and tomorrow I will be here and I will be ready to hear any suggestions that anyone has, in the sense of helping you out of actual problems. In the morning, I will be in Mr. Best's office, and you can contact me through the telephone if you wish to see me.

MR. DECKERBACH: I am representing the Department of State, Washington, because the State Department is interested in Tule Lake. You may wonder why the State Department is interested. The reason is that the trouble in Tule Lake affects our international relations. The constant disputes at this camp are disturbing to our international relations and also detrimental to our own welfare. For example, you are interested in the exchange of American Nationals with the Japanese Nationals interned here. The dispute at the Tule Lake camp will definitely hold up this exchange of nationals. For that reason the State Department wants to see a peaceful, quiet, orderly camp here at Tule Lake.

I have made a brief inspection of the camp and I have read the records of the meetings held by the Negotiating Committee and the Army Authorities and I must say that I can see no obstacles that cannot be overcome and cannot see why we cannot come to an orderly camp. I believe that all obstacles and questions can be solved if they are approached in a spirit of cooperation, goodwill, and sincerity, but this spirit must be mutual, it must come from both sides. I mentioned that the authorities now in charge of this camp will be glad to approach every problem with sincere spirit of cooperation and they will do everything in their power to make you as comfortable as war-time conditions permit. But some things are impossible. For example, this morning the question was brought to my attention of releasing the nine members of the Negotiating Committee who have been detained. The Army picked up those members of the Committee because they believed it was necessary to do so, in order to preserve peace and security in this camp. They will be released by the Army if and when they believe it is desirable.

Now we are anxious to find some solution of this problem which will be satisfactory to both sides. This is not my job to find the solution, but I would like to make a suggestion or two which I think will help. I would like you to think some of those suggestions over.

I propose, in the first place, that you abolish the old Negotiating Committee which obviously is unable to function your present condition. I propose that you elect by popular vote, that is, the vote of the whole community, a new committee to be called a Central Committee. In my opinion this Committee should be composed of members in proportion to the various classes in the community--that is Issei members should elect Issei and Nisei should elect Nisei representatives. I think in this way, you will get a community truly represent-

---

*Baker notation, identifying that *Tule Lake* as a *SEGREGATION CENTER* is no longer under the War Relocation Authority. July 1943, was official announcement of changeover.

3-DOCUMENT: MS33 1.3 REPORT OF SPANISH CONSUL, Dec.13,1943 (continued)

ANNOUNCER: We are supporting the Negotiating Committee we first selected*, and I want you to meet this Negotiating Committee and talk things over.

ANSWER: I will ask the Army Authority to let me talk to these men in custody now, nevertheless, that permission may be denied me BECAUSE THEY ARE AMERICAN CITIZENS, since I am here to take care, especially those men and women born in Japan. It is my opinion that the commanding officer of the camp will allow me to see the men, so consequently, I will try to see them. [Baker's emphasis]*

QUESTION: This is the gravest concern of the residents up to now and still they do not believe that the former Negotiating Committee has done everything possible for the residents, not for their own benefits. I want you to understand that point.

ANSWER: It is not my own road to mix myself in this political question inside the camp. My visits are specifically to see that the living condition is according to the International Law,** and these other questions tried by the committee are more or less a political nature, and I am not supposed to bring myself in.

QUESTION: This question is to ask you only to inform the Japanese Government that this Negotiating Committee has been detained by the Army since Nov.4,1943.

ANSWER: I will report your request to the Spanish Ambassador. I do not know if the Ambassador will report it to the Japanese Government.***If they think it is important enough to forward it, they will.

QUESTION: They want you to report to Japan the fact that our Negotiating Committee has been detained by the Army from November 4. That is our demand. They don't want shall or will business, they want you to make sure.

ANSWER: I have already said that I will approach the Embassy that nine men have been detained by the Authority. I do not know if the Embassy will consider it. If it is necessary they will report it ot the Japanese Government. If they think it is not important they will not do so.

On my visits I made reports to the Embassy about the events. You reports, I suppose, have been sent to Japan. I have made reports of what I have seen and heard. The nature of the reports is absolutely confidential, I am not going to say it here.

QUESTION: They want to demand(the translator used this word) the status of the Nisei made clear, bedause EVEN IF THEY ARE AMERICAN CITIZENS THEY SHOULD BE EQUAL AS JAPANESE NATIONALS. [Baker's emphasis].

**These American citizens of Japanese descent had PRESIDENTIAL WARRANTS issued for their arrest. Since they were CITIZENS, they had to be detained in a jail rather than in an internment camp under the Dept. of Justice, since internment camps were for alien enemies only.*

***The United States was the only Country that actually obeyed International Law to the letter--and more. We are the only country that permitted families(of Japanese ancestry) to reside TOGETHER in the internment camps, and worked to keep families together during evacuation, which was reason for ONE FAMILY IDENTIFICATION NUMBER. All families had ONE NUMBER--unlike the branding of Nazi victims.*

****The uprising was reported to Japan, and the anti-American propagandists used it to the hilt--never mentioning it was AMERICANS who led the uprising and riots in the relocation centers and segregation center. Such actions in enemy camps would have resulted in atrocious punishment and/or death.*

Document No. 2

THE CWRIC "PERSONAL JUSTICE DENIED" AND SUBSEQUENT SENATE & HOUSE BILLS, FAIL TO CITE THE UNIQUE DIFFERENCE BETWEEN AMERICANS OF JAPANESE DESCENT AND AMERICANS OF ITALIAN AND GERMAN DESCENT, IN THAT THOSE OF JAPANESE ANCESTRY HELD DUAL CITIZENSHIP. NO MENTION IS MADE OF THIS EXTREMELY IMPORTANT DIFFERENCE.

[From the Stuart Library Files, Cook Collection, Item MS33 1.3, University of the Pacific, Stockton, California.]

QUESTIONS AND ANSWERS CONCERNING THE NISEIS AND THE DRAFT

Q. Who registers for the Selective Service?

A. All male citizens and residents of the United States from 18 years of age to 65 years of age. There is a still penalty for violation of this law.

Q. Will the United States Army take expatriates?

A. That question can be answered only by the Army. The important thing is that every Tule Lake resident comply strictly with the terms of the law by completing all questionaires, etc., regardless of whether he has asked for expatriation or not.

Q. Will the United States Army take boys from the Tule Lake Center if they are eligible for draft?

A. Yes, the Army will probably take a good many people from the Tule Lake Center. There are many people here who are doubtless, clearly eligible for military service on the basis of their present records.*

Q. With this drafting of the Niseis in this Center, will the residents expatriate?

A. Probably there will be cases where persons will ask for expatriation in an effort to evade the draft, but such action may be fraudulent and may subject the applicant to prosecution under the Selective Service Law.

Q. Will the Niseis be sent to a separate Unit?

A. That is for determination by the Army.

Q. If parents want their children to repatriate, and the children do not want to do so, what will happen in this case?

A. It depends on their age. W.R.A. will assist their children in solving their problem. If they are 17 years of age, they may file a 304-A as a first step in securing leave clearance.

Q. Do all persons of age register for the Army?

A. As soon as a boy reaches his 18th birthday, he should register right away. This will be handled through the Project Attorney.

Q. Will a Nisei, who has asked for expatriation, still hold citizenship in the United States?

Assemblyman Dickey, in charge of the Tulelake investigation, reported that he had been informed that although there were 6,000 to 7,000 evacuees who were American citizens by accident of birth and whose physical qualifications made them eligible for service in the armed forces of the United States, only two volunteered." *[April 16,1945 Joint Fact Finding Committee on Un-American Activities(1943-45) in California. This is from portion pertaining to Japanese problems in California in the 1940's.]*

A. Yes. He will still be a citizen, but may lose his American citizenship after reaching Japan, if he renounces such citizenship then.

Q. What is a dual Citizenship?

A. Anybody who is a citizens of the United States and a foreign citizen at the same time. There are two types of citizens: (a) Citizenship by birth. (b) Citizenship by blood. Anyone who is born in the United States,will ordinarily become a citizen of the United States. Anyone born to a Citizen of the United States parent outside of the United States will be a citizen of the United States by blood provided he fulfills certain other requirements.

Q. Is anyone holding dual citizenship subject to the draft?

A. Yes, because they are citizens of the United States and the country of domicile is considered the country of dominant citizenship. The same procedure will be followed in drafting those boys for the Army, as of any ordinary person holding citizenship in the United States.

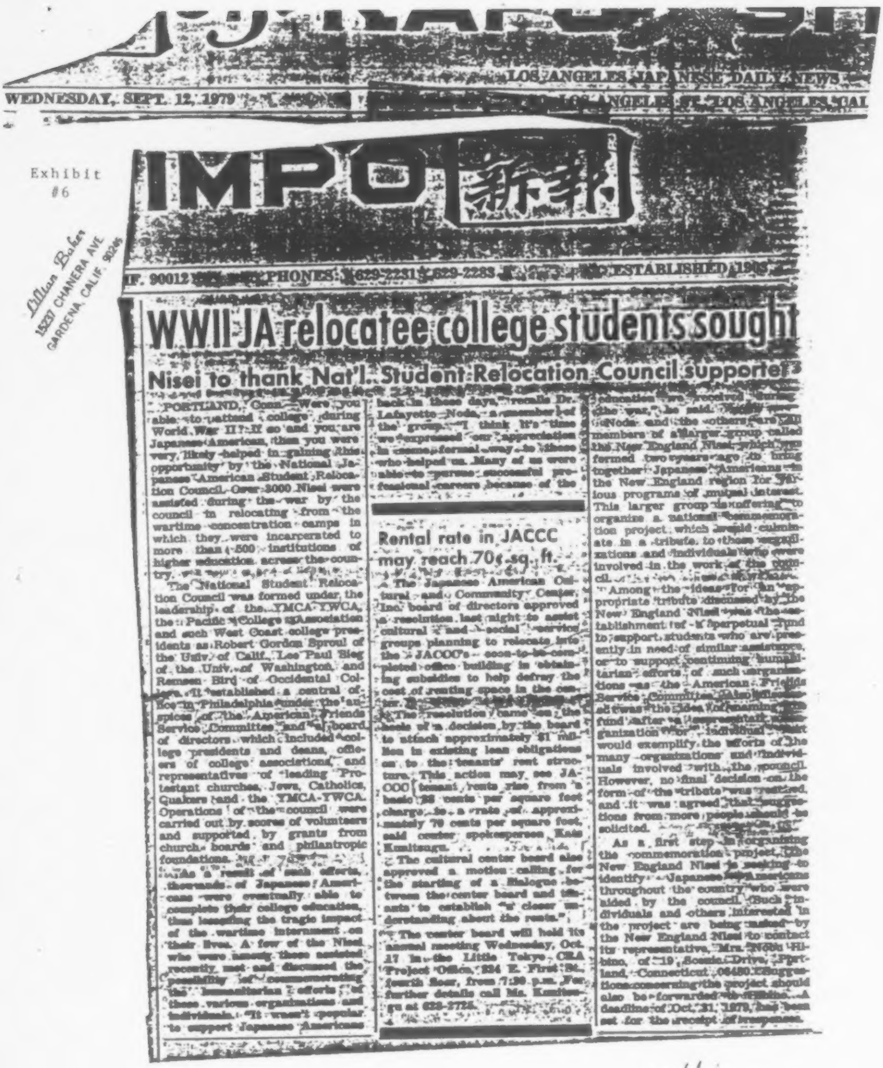
Q. At what age is this dual citizenship ceased?

A. UNDER THE JAPANESE LAW, IT DOES NOT CEASE. IF THEY WISH TO CANCEL THIS DUAL CITIZENSHIP, THEY MUST WRITE TO THE JAPANESE CONSUL ASKING FOR CANCELLATION OF JAPANESE CITIZENSHIP.

[Baker's emphasis used to point out the considerable difference between persons of Japanese descent who were American citizens and those Americans of German and Italian descent. Americans of Japanese descent were always considered by the Empire of Japan as its "subjects"--hence the term: "once a Japanese, always a Japanese". Americans of Japanese descent caught in Japan during WWII, were considered JAPANESE and not Americans. For these Americans to have declared themselves "American", they would have had to report to the Japanese Consul and asked for a cancellation of Japanese citizenship. Under war's duress, it is understandable why none would have risked this. However, it is clearly documented that many American-born Japanese fought in the Japanese army against the land of their birth, United States.]

Exhibit
#6

Lillian Baker
15237 CHANERA AVE
GARDENA, CALIF. 90249



LOS ANGELES JAPANESE DAILY NEWS
WEDNESDAY, SEPT. 12, 1979
LOS ANGELES ST., LOS ANGELES, CAL
IMPO 新報
F. 90012 PHONES: 629-2231, 629-2283 ESTABLISHED 1903

WWII JA relocatee college students sought

Nisei to thank Nat'l. Student Relocation Council supporters

PORTLAND, Conn.—Were you able to attend college during World War II? If so and you are Japanese American, then you were very likely helped in gaining this opportunity by the National Japanese American Student Relocation Council. Over 3000 Nisei were assisted during the war by the council in relocating from the wartime concentration camps in which they were incarcerated to more than 500 institutions of higher education across the country.

The National Student Relocation Council was formed under the leadership of the YMCA-YWCA, the Pacific College Association and such West Coast college presidents as Robert Gordon Sproul of the Univ. of Calif., Lee Paul Sieg of the Univ. of Washington, and Remsen Bird of Occidental College. It established a central office in Philadelphia under the auspices of the American Friends Service Committee and a board of directors which included college presidents and deans, officers of college associations, and representatives of leading Protestant churches, Jews, Catholics, Quakers and the YMCA-YWCA. Operations of the council were carried out by scores of volunteers and supported by grants from church boards and philantropic foundations.

As a result of such efforts, thousands of Japanese Americans were eventually able to complete their college education, thus lessening the tragic impact of the wartime internment on their lives. A few of the Nisei who were among those assisted recently met and discussed the possibility of commemorating the humanitarian efforts of these various organizations and individuals. "It wasn't popular to support Japanese Americans back in those days," recalls Dr. Lafayette Noda, a member of the group. "I think it's time we expressed our appreciation in some formal way to those who helped us. Many of us were able to pursue successful professional careers because of the education we received during the war," he said. [illegible]

Noda and the others are all members of a larger group called the New England Nisei, which was formed two years ago to bring together Japanese Americans in the New England region for various programs of mutual interest. This larger group is offering to organize a national commemoration project which would culminate in a tribute to those organizations and individuals who were involved in the work of the council.

Among the ideas for an appropriate tribute discussed by the New England Nisei was the establishment of a perpetual fund to support students who are presently in need of similar assistance, or to support continuing humanitarian efforts of such organizations as the American Friends Service Committee. Also [illegible] was the idea of naming the fund after an [illegible] organization or individual that would exemplify the efforts of the many organizations and individuals involved with the council. However, no final decision on the form of the tribute was reached, and it was agreed that suggestions from more people should be solicited.

As a first step in organizing the commemoration project, the New England Nisei is seeking to identify Japanese Americans throughout the country who were aided by the council. Such individuals and others interested in the project are being asked by the New England Nisei to contact its representative, Mrs. Nobu Hibino, of 19 Scenic Drive, Portland, Connecticut, 06480. Suggestions concerning the project should also be forwarded to Hibino. A deadline of Oct. 31, 1979, has been set for the receipt of responses.

Rental rate in JACCC may reach 70¢ sq. ft.

The Japanese American Cultural and Community Center, Inc. board of directors approved a resolution last night to assist cultural and social service groups planning to relocate into the JACCC's soon-to-be-completed office building in obtaining subsidies to help defray the cost of renting space in the center. [illegible]

The resolution came on the basis of a decision by the board to attach approximately $1 million in existing loan obligations on to the tenants' rent structure. This action may see JACCC tenant rents rise from a basic 35 cents per square foot charge to a rate of approximately 70 cents per square foot, said center spokesperson Kate Kunitsugu.

The cultural center board also approved a motion calling for the starting of a dialogue between the center board and tenants to establish "a closer understanding about the rents."

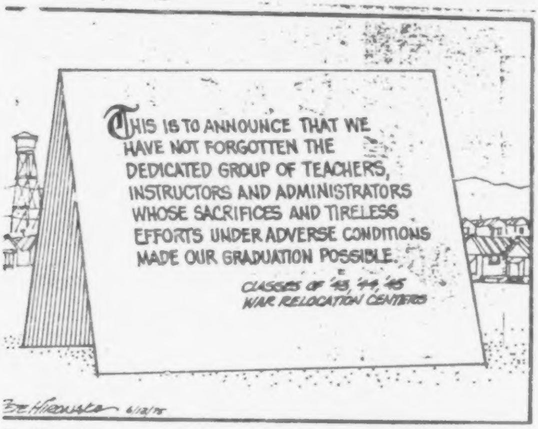
The center board will hold its annual meeting Wednesday, Oct. 17 in the Little Tokyo CRA Project Office, 324 E. First St., fourth floor, from 7:30 p.m. For further details call Ms. Kunitsugu at 628-2725.

over

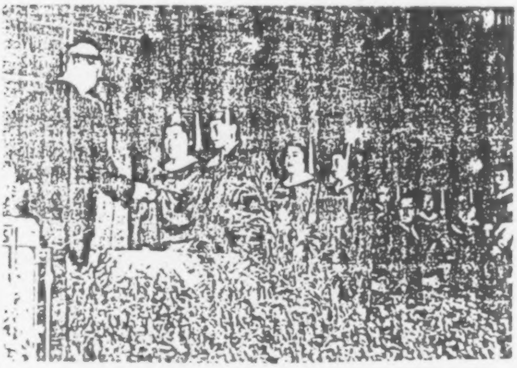
acific Citizen

The National Publication of the Japanese American Citizens League

FRIDAY
JUNE 13, 1975
ISSUE


THIS IS TO ANNOUNCE THAT WE HAVE NOT FORGOTTEN THE DEDICATED GROUP OF TEACHERS, INSTRUCTORS AND ADMINISTRATORS WHOSE SACRIFICES AND TIRELESS EFFORTS UNDER ADVERSE CONDITIONS MADE OUR GRADUATION POSSIBLE.
CLASSES OF '43, '44, '45
WAR RELOCATION CENTERS
6/12/75

E CARTOON IN THE JAPANESE AMERICAN CITIZENS LEAGUE OFFICIAL ICATION, CALLS A LIE TO THE TESTIMONY PRESENTED BEFORE THE I ON ON WARTIME RELOCATION & INTERNMENT OF CIVILIANS!!!



E OF THESE STUDENTS REPRESENT A PORTION OF NEARLY 5000 RE SENT ON TO COLLEGES & UNIVERSITIES, GIVING THEM YEAR JUMP ON RETURNING SERVICEMEN, INCLUDING THOSE SERVED BRILLIANTLY IN THE 442ND. REPARATIONS?

(Photo.left) June 16,1944
[Nat'l Archives,Wash. DC]

Guy Cook, assistant High School Principal of Tri-State High School, at Tule Lake SEGREGATION Center, hands out honor awards at the commencement exercises. This was the first commencement since SEGREGATION. The segregation center was for persons of Japanese ancestry, [alien and American citizen], who would not renounce allegiance to Emperor, or swear unqualified allegiance to U.S., or had asked for expatriation or repatriation to Japan. THESE ARE THE SONS AND THE DAUGHTERS of the "disloyals".

DISTRIBUTED: AFHA
15237 Chanera Ave.
Gardena, CA 90249

Exhibit #7

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90249

MANZANAR FREE PRESS

Vol. I, No. 26 Manzanar, California June 20, 1942

ACTIVITY SCHOOL ESTABLISHED

Because of an overcrowded situation, the summer tutoring session schedule has been revised and an Activity School has been added.

Beginning Monday, from 6:30 p.m., junior and senior high school English, science, and foreign language students will sign up at Mess Hall 32. Students with textbooks will enroll in classes while those without books will consult with Shizue Hori, field supervisor, to make arrangements for their books.

Mathematics, history and social studies, and foreign language students will sign up on Tuesday evening. Students without books are invited to join a special interest group.

BANK TO OPEN

Center residents are invited to make use of the banking facilities to be offered by the Bank of America which will open a branch here at 21-8-4 next Tuesday, June 23. The bank will only be open on Tuesdays from 9 a.m. to 4 p.m. until further notice.

BUSINESS SOARS

Since the issuance of merchandise orders June 15, business at the general store and the canteen has taken a decided leap.

Lee Poole in charge of community enterprises released the gross sales as; June 15, $1470 redeeming $191 in script; June 16, $2372, in script $311; June 17, $2332, in script $1795.

HEALTH DEPT. PRONOUNCES NET PROJECT 'SAFE'

Galvanized into accelerated action, the vital camouflage net production jumped ahead with two hundred workers now busily entwining green burlap into the huge nets. One hundred more are expected by Monday.

Pronouncing the project "safe", Public Health Administrator Dr. Yoshiye Togasaki, declared that there were no major occupational hazards involved. In denying persistent rumors, she announced, "It will not be a source of tuberculosis. Ventilation and lighting conditions are satisfactory."

All departments snapped to attention as the project was given A-1 rating and released men and women to work in the sheds. Among the first to comply was the Manzanar Free Press who released 18 of its staff. Following suit were the maintenance, stove, carpenter, recreation and emergency departments.

Ned Campbell, new Assistant Project Director, emphasized the publicity importance of this project as an argument for the necessary WRA appropriations and in the establishment of future money-making ventures.

Morning and afternoon rest periods with music were being planned by Henry Ishizuka, new Supt. of Camouflage Production. Ice water will be provided and salt pills distributed to counteract the effects of the heat.

CENSUS UNDER WAY

With the threefold purpose of establishing identification, compiling a legal record and gathering occupational and educational data, a complete census of this center is now under way through the WRA.

JUNE ADVANCES PAID

Twelve thousand dollars in script have been disbursed to workers to date as advance allowances on their June salary under the WRA, the finance division announced today. Pay ranged from one to five dollars, depending upon working hours.

Workers who have not received their pay as yet should call at 1-9-4 by Friday, June 26.

The amount received by the workers will be deducted from regular wages to be paid hereafter under the WRA administration. Those persons working before June 1 will be paid through the WCCA.

CHRISTIANS TO MEET

Christian young people of all denominations are invited to attend a meeting to organize the Manzanar Young People's Christian Union, a coordinating body, tomorrow, 2 p.m., 21-15.

. . . .

WORKERS; NOTE!

Workers are warned not to shift indiscriminately from work to work without going through the proper procedure of obtaining releases and new work orders.

. . . .

P.O. NOTES

SUBSCRIBERS, NOTE!

Unclaimed magazines will be returned to the senders if still unclaimed after ten days.

READ BULLETINS

Unclaimed parcel post names will be placed at all mess hall and Information Center bulletin boards. Be sure to come down to the office to claim them.

PARCEL POST PACKAGES

No parcel post packages will be left at apartments where the receiver is not present.

Activities

Saturday		
Choir Practice	21-15	7p.m.
Sunday		
Concert	bk. 10-11	8p.m.
Monday		
Japanese Opera	21-15	7p.m.
Shibai Pract.	11-15	7p.m.
Tuesday		
Dance Practice	27-15	7p.m.
Bible Study	8-15	[illegible]p.m.
Choir Practice	9-15	7p.m.

HARD TIMES BALL

Tonight the firemen will take off their working clothes and don even older togs to attend their first "Hard Times Dance" to be held at kitchen 21 at 8 p.m. Entertainment and refreshments will be served and music will be furnished by the Manzanar Hotshots.

'BEET FIELD SAVIOR' WRITES

SAB TELLS OF BEER, STEAKS AND SORE BACKS

Displaying flashes of unconscious humor, the letter from Sab to his friends back in Manzanar reveals the high spirits, sorebacks and some of the shenanigans of our "beetfield saviours."

"..When we boarded the buses and saw the crowd we certainly felt like suckers for leaving camp. Well, anyway, it felt good to get on the other side of the fence.

"..The bus had to stop for water at Paradise Camp about 15 miles from Bishop. We all jumped off and ran into the cafe....and you know what! The chorus was "beer". And boy, was the Luck Lager good! Nothing like it............

"..At 5:00 p.m. we, the saviours of this valley (the beet crop, anyway) arrived, all anxious to trim the sugar beets down.

T-BONE STEAKS, ACTUALLY

"..Aach! This is it! We go to eat in the Caledonian Hotel tonite (the ritziest dump in town). It accommodates over a 100 at a time. Holy smokes, T-bone steaks as large as the platter itself (large platters!)

"..We're on a patch where the row are over 700 feet long. By lunchtime I had trimmed 2 rows and today, being the first day out, we quit at 5:00 p.m. I finally trimmed 4 rows today and boy, am I tired. I'm aches all over, especially in the legs and seat. I suppose you'd like to know how many acres 4 row make. Well, I asked the farmer (it doesn't sound right) but he says about 20 rows to an acre. (It's a lie! I hope...)

"..It doesn't seem as though everything is coming out as expected so we're having a meeting tonight.....

"..It may get better later on, who knows. Incidentally who was it that said "there's a sucker born every minute". I wonder what he'd say of a sucker who was a sucker twice. Oh well, live and learn, I guess."

Yours sincerely,
Sab

BOOKS TO BE CIRCULATED

Books and magazines may now be checked out from the libraries, according to Ayumo Ichiyasu, new WRA head librarian.

Reading matter is now being classified and placed in different libraries. Fiction books, located in the branch library at 20-15, may be taken out for three-day periods, with a limit of two to each person. Non-fiction literature, in the main library at 22-15, may not be taken out until further notice.

Three branch libraries are now open, at 8-15, 12-15 and 20-15, with two more to be opened soon.

All residents will be able to borrow books from the State Library in Sacramento by contacting the librarian at 22-15. There will be no charge except for a one-way shipping fee, amounting to about three cents per volume.

BEWARE!

DON'T TAKE STICKS

These little chunks of sticks placed along the roads in the center should not be taken, warned the surveying crew today. These sticks are markers.

DRIVE CAREFULLY

Driving across playfields and firebreaks or between barracks is prohibited, warned the police department, and drivers are asked to cooperate in observing this safety law.

SPORTS

ESQUIRES STRIPPED

The San Pedro Pirates came to life to cut down the sleeky Esquires, 13-10, in a wild Owens slugfest held last Thursday evening.

Going into the last of 6th, the blood curdling Pirates ran up 4 runs before the Esquires stopped the rally. Behind with a score at 9-8, the Esquires rallied in 2 runs in the 7th frame to take the lead. With renewed vigor, the Pirates pounced 4 runs in the final canto to treasure the game away.

Miki and Yamamoto starred for the winners. T. Minato of the Esquires connected for a circuit poke in the second inning.

Esquires.......010 160 2-11
Pirates........003 204 4-13

J. Oka, T. Minato; Yamamoto, Mio and Miki.

PASADENA TRIUMPHS

POLICE COP CELLAR TITLE FOR FIRST ROUND

Thursday evening's International fracas found the ever-slipping Police nine graciously losing their 7th straight game to the potent Uptowners, 20-14.

Blasting out 17 hits, the second-place Uptowners powerhoused over the flatfoots with a 7 run attack in the first and 8 runs in the 4th to loaf to an easy victory.

Kurokawa, Tachibana and Netchero ganged up on chucker Okamura for 10 hits.

Uptowners......700 832 0-20
Police.........400 400 6-14

Netchero and Taketomo; Okamura and G. Masuda.

TERMITES VICTIM IN VOLLEYBALL TUSSLE

Pasadena rose from the cellar and dropped the undefeated Termites to a 2-way tie for first with San Fernando in the "A" volleyball league Wednesday. The game ended in a close 15-12, 3-15, 15-12 decision.

Although the Termites struggled for every point in the last game with only 3 points to tie, they failed to outscore the fast returning Pasadenans.

Tony's Top Stars

STARS DROP 6-7 BATTLE

Playing off the 11-11 tie game, the off and on Tony's Alley broke through in the final frame to earn a 7-6 verdict over the North Stars in a dusty twilight affair.

The Alley boys hopped on Tak Shindo with a 3 run onslaught in the 1st and 4th to command lead. The finale found P. Higashi tallying across the winning run on R. Nakayu's hot grounder.

Star's S. Okada was put out trying to stretch home on 3; Hasegawa's bingle to end the rally in the 7th, to annihilate their well-grounded hopes of winning the contest.

North Stars..200 120 1-6 8
Tony's Alley.300 300 1-7 7

Yamauchi and Higashi; Shindo and Iwamoto.

"A" SCHEDULE

INTERNATIONAL LEAGUE
Sunday (3) 3 p.m.
S. Pedros vs. Phantoms
Monday 6:30 p.m.
7. Aces vs. Policemen

MANZANAR LEAGUE
Sunday (4) 3 p.m.
Has Beens vs. 7-11
Tuesday 6:30 p.m.
Slickers vs. 30-40

OWENS LEAGUE
Sunday (5) 3 p.m.
Die Hards vs. Scorpions
Monday 6:30 p.m.
Esquires vs. S.C. Falcons
Tuesday 6:30 p.m.
Base Runners vs. R. Flush

PRODUCTION LEAGUE
Sunday (6) 3 p.m.
Barn Bums vs. C. Hicks
Monday 6:30 p.m.
City Gyps vs. Orchard 9

"A" SOFTBALL SCHEDULE

Sunday (15-15) 1:30 p.m.
Invaders vs. Dusty Chicks

6 p.m.
L. Strikers vs. Termites
Monday (2-3 fb.) 6 p.m.
Pasadena vs. Jitterettes

"A" VOLLEYBALL SCHEDULE

Monday (blk. 3) 6 p.m.
San Fernando vs. Invaders
Tuesday 6 p.m.
L. Strikers vs. Pasadena

"B" SOFTBALL SCHEDULE

Sunday (2-3 fb.) 6 p.m.
Small Frys vs. Whirlwinds

"B" VOLLEYBALL SCHEDULE

Monday (blk.2) 1:30 p.m.
Small Frys vs. Jr. Invaders
Tuesday 1:30 p.m.
FHA vs. Uptown Strutters

KITCHEN LEAGUE
Sunday 3 p.m.
1# 16 vs. 10 2# 13 vs. 17
Monday 6:30 p.m.
2# 23 vs. 3
Tuesday 6:30 p.m.
1# 19 vs. 8 2# 12 vs. 6

Autographs
No. 19

Distribution: AFHA, 15237 *Chanera* Ave.
Gardena, CA 90249

SOURCE: *Archives*, STUART LIBRARY, UOP, *Calif.*
Courtesy: Late Dr. R. Coke Wood

COVER OF SOUVENIR YEARBOOK FOR 1944 GRADUATING CLASS FROM MANZANAR RELOCATION CENTER HIGH SCHOOL. THE COVER DRAWING WAS ACCOMPLISHED BY TALENTED ARTIST FLO OSHIRO, AT MANZANAR. THIS IS A TRUE COPY

NOTE: THE "BARBED WIRE" IS NOTHING MORE THAN "CATTLE-GUARD" WIRE, CONSISTING OF THREE STRINGS TIED TO RAIL-POSTS. THE LATE TOYO MIYATAKE SAID, "ANYBODY COULD HAVE WALKED THROUGH IF THEY WANTED TO, BUT NOBODY WANTED TO!" *According to Shonin Yamashita, a block manager at POSTON RELOCATION CENTER, "There was no barbed wire or fences because Poston was in the middle of the desert.'*

THREE STRINGS OF BARBED WIRE...
ANYBODY COULD HAVE WALKED THROUGH...
IF THEY WANTED TO...
BUT NOBODY WANTED TO...[T.MIYATAKE]

SOURCE: KASHU MAINICHI, Los Angeles, May 1, 1975

"...All these people who are complaining about how rough it was in relocation camps about 'feeling like a vegetable' should be invited to some of these relocation camp high school reunions. All they will be seeing (much to their disappointment I'm afraid) will be smiling faces as the former evacuees reminisce about 'the good old days' in camp." [GEORGE YOSHINAGA, staff write, KASHU MIANICHI and former evacuee]

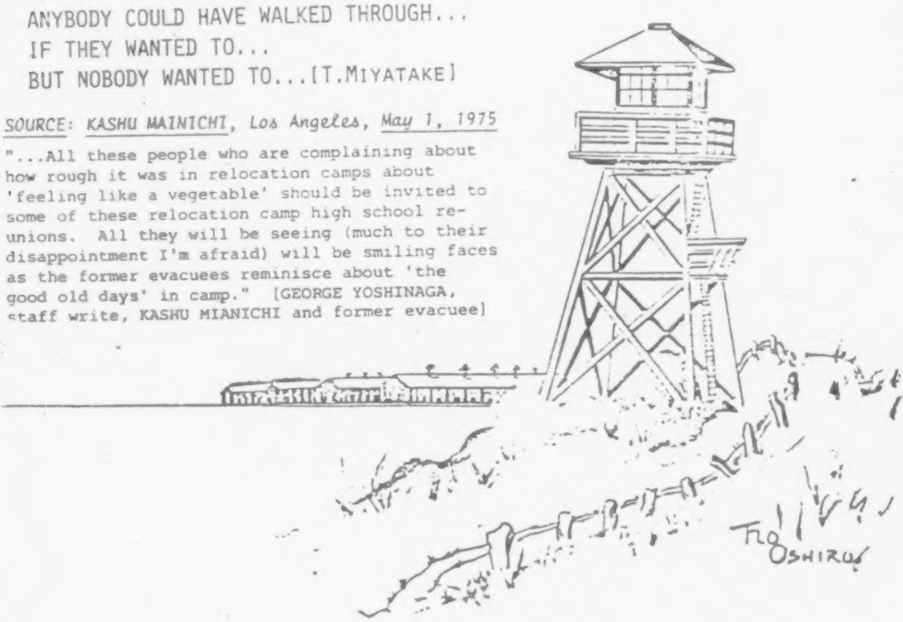


Exhibit
#8

United States Department of Justice
Washington, D. C.
February 25, 1942

STRICTLY [illegible]

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90249

BUREAU BULLETIN NO. 17
First Series 1942

TO ALL SPECIAL AGENTS IN CHARGE:

In view of the broad authority which has been granted to Bureau Agents to make arrests, particularly in cases involving alien enemies, I am most anxious that no exercise be made of this authority in such a manner as to subject the Bureau to any justifiable criticism. It is essential of course that the Bureau discharge, and discharge efficiently, the responsibilities which have been assigned to it. To avoid criticism, however, it is essential that the authority and the exercise of the authority to make arrests be not abused. In making arrests every Agent will be expected to display the proper restraint, discretion and good judgment in connection with the performance of his duties. It is necessary to urge exemplary judgment in this regard because there are certain elements which will seize upon any activity of the Bureau in order to attack it. Agents in making arrests are of course expected to be firm, to take the proper precautions for their own safety, and to meet force with sufficient force to subdue any opposition. No undue display of force and no display of hostility should be made, however, during the making of arrests. In other words, the arresting Agents should not take the initiative in displays of physical violence, rough talk, in the display of firearms or other implements of arrest and detention. On those occasions when resistance is made, the arresting Agents are expected to subdue force with force, but good judgment is expected as to when such force must be exercised.

All Agents are cautioned against any bombastic approach to persons being taken into custody, against any arrogance or display of hostility, or the so-called "wise guy" attitude. In short, I expect Bureau Agents to exercise their authority of making arrests in the American way.

It is the responsibility of all Special Agents in Charge to plan arrests carefully and thoroughly. Each arresting operation should be in the hands of an experienced Agent on those occasions when there is no justifiable reason for the Agents in Charge not personally participating in the arrest. While the authority for the obtaining of Executive warrants in conection with alien enemy arrests allows a wide latitude to Bureau Agents, extraordinary care should be exercised in having some justification for the issuance of every warrant requested. Obviously

MAR 1 - 194

DECLASSIFIED BY 6080 [illegible]
ON 3-24-77

Note Date of Declassification

ADDRESS REPLY TO "THE ATTORNEY GENERAL" AND REFER TO INITIALS AND NUMBER

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Tracy
Mr. Rosen
Mr. Carson
Mr. Coffey
Mr. Hendon
Mr. Holloman
Mr. Quinn Tamm
Mr. Nease
Miss Gandy
File

March13, 1942

MEMORANDUM FOR MR. J. EDGAR HOOVER
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Note care to observe Citizens' Civil Rights

In reply to your memorandum of February 21, 1942 in which you pose various questions as to the use of the "Executive Search Warrant for Apprehension of Alien Enemies and Seizure of Prohibited Articles," your attention is invited to Circular No. 3643 and Circular No. 3643 Amended, which were forwarded to you with my memorandum of recent date. It is contemplated that the executive search warrant will be employed in cases in which it is desired to search only premises inhabited by or controlled by alien enemies. Premises other than those inhabited by or controlled by alien enemies may be searched only as an incident to the apprehension of an alien enemy (unless of course, the customary judicial search warrant can be obtained). The special form of Executive Search Warrant for Apprehension of Alien Enemies and Seizure of Prohibited Articles is designed for the express purpose of authorizing the apprehension of an alien enemy who is thought to be in possession of prohibited articles in premises which are inhabited or controlled neither by himself nor by any other alien enemy.

The rule of reasonableness limiting the area of search without a warrant to the area immediately surrounding the person arrested under a Judicial Warrant of Arrest also applies to the search of the surrounding area, such as a room, upon an arrest under an Executive Warrant of Apprehension used where premises not controlled by an alien enemy are involved. Any larger area can be lawfully searched by use of a Judicial Search Warrant.

Applying these considerations to the various questions posed in your memorandum:

RECORDED

1. In a case where an alien enemy has exclusive occupancy of a room in a private residence occupied by a citizen of the United States, an Executive Search Warrant will be available to search the room. Such a warrant will not, however, confer a legal right to enter the residence unless the room occupied by the alien enemy has an outside entrance. If permission to enter is

FOR DEFENSE BUY UNITED STATES SAVINGS BONDS

COPY IN FILE

Exhibit #9

THE "FINDINGS" OF THE CWRIC ARE THAT "POLITICAL CONSIDERATIONS" AND FDR's FORTHCOMING ELECTION, NOVEMBER 1944, WERE INSTRUMENTAL IN THE DELAY OF THE CLOSURES OF WRA CENTERS. THIS HAS NO BASIS IN FACT.

SEE BELOW: a) Evacuees protested closing prior to end of war, fearful of returning to the West Coast.
b) Housing was scarce; leases were FOR THE DURATION.

CHAPTER TWENTY FOUR - JAPANESE IN SOUTHERN CALIFORNIA "A HISTORY OF 70 YEARS"
published by Japanese Chamber of Commerce of So. Calif.1960

1944: RETURN OF Nisei to WEST COAST Starts

The JACL national officers became aware of the need for a cooperative evaluation of their programs in light of the rapid turn of events in the late fall of 1944.

The movement to have persons of Japanese ancestry return to the Pacific Coast had gained considerable speed during 1944, and it was realized by the JACL that such an event would call for new plans and programs. The War Relocation Authority had promised that all centers would be closed at some time in the near future, and the opening of the Pacific Coast would speed up this program.

A general meeting was called of the JACL for Dec. 1-3,1944, to be held in Salt Lake City.

1945: Exclusion from Coast Lifted: One month after the eigth national convention met in Salt Lake City, the government publicly announced the lifting of the ban on persons of Japanese ancestry from returning and living along the Pacific coast.

This announcement, made on Jan. 1, 1945, brought many new problems to the JACL, but thanks to the foresight of its officers during the eighth convention, some of the machinery was ready to function.

It was realized by the JACL and the War Relocation Authority that an educational program needed to be launced on the Pacific coast, thus paving the way for the return of the evacuees to their former homes. This called for cooperative effort on the part of the JACL and their representatives with special local groups along the Pacific coast as well as with the various agencies of the U.S. Government.

THE EDUCATIONAL AND PUBLIC RELATIONS PROGRAM WAS NOT TO BE LEVELED AT THE CAUCASIAN GROUPS ALONE ALONG THE PACIFIC COASTAL REGIONS, BUT ALSO TO OTHER EHTNIC GROUPS, ESPECIALLY THE NEGRO, MEXICAN AND FILIPINO ELEMENTS.

During the war and soon after the exodus of the Nisei and their parents from the coast, large numbers of Negroes--some statistics give as high as 100,000--moved into the area formerly occupied by persons of Japanese ancestry. This was particularly true of the cities of Los Angeles, San Francisco, Portland, and Seattle.

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90269

Page 1. *of 3 pages*

Even though the Negroes did move into these "Little Tokyos", housing for Negroes was very poor and inadequate. Mexican laborers and Filipinos also took over some of the areas formerly occupied by the "Japanese". Here then was a serious problem--where would the evacuee go if and when they returned, and what would be the type of opinion and attitude they would meet from these other minority groups?

[Baker's emphasis]

Bronzeville Tensions with Returnees Feared: The possibility of race tension and conflict growing out of the return of the evacuees to their former homes prompted the JACL in cooperation with the War Relocation Authority and local civil rights groups, to begin an elaborate public relations program in Los Angeles, San Francisco, and other possible tension areas in 1945.

Los Angeles seemed to be the area where race tensions were most serious. The JACL sent representatives to work with the Negro, Mexican, and Filipino populations of this metropolis. The first step was to gain the confidence of leaders, and this was started by the work of Saburo Kido at the interracial conference held in San Francisco early in January of 1945. Later meetings were held with Negro and Mexican leaders in Los Angeles.

The problem of evacuation was presented them, a program was worked out for the acceptance of the evacuees on their return to their homes in the new "Negro area" of Los Angeles. This program was presented to various meetings of the interested groups and explained to them.

....

Public relations activities of the JACL were carried out through the use of meetings and the distribution of educational material such as the "THEY WORK FOR VICTORY"* and "THE CASE OF THE NISEI" publications of the national JACL. The latter of the publications was the JACL brief submitted to the Korematsu case as reviewed by the Supreme Court of the United States.**

....

Hostels in various parts of the United States were either directly or indirectly sponsored by the JACL to house evacuees returning to the Pacific Coast or to new areas. AS MENTIONED PREVIOUSLY, HOUSING WAS A SERIOUS PROBLEM FOR THE EVACUEES UPON LEAVING THE RELOCATION CENTERS. These hotels were for the purpose of housing the evacuees until permanent homes could be found.

---

*"THEY WORK FOR VICTORY", WAS DEDICATED "IN MEMORY OF FRANKLIN DELANO ROOSEVELT", 1945 -- author of Executive Order 9066, Feb. 19, 1942.

**The ACLU and JACL briefs in the Korematsu case were set aside in favor of the 6-3 affirmative ruling UPHOLDING the legality & constitutionality of Executive Order 9066, Feb. 19, 1942, as nothing more than an exclusion order.

Page 3- FOOTNOTE to preceding pages RE: CWRIC "findings" that closure of WRA centers was "politically motivated by FDR's forthcoming election".

"THE RECENT ORDER FOR THE CLOSING OF ALL RELOCATION CENTERS BY DECEMBER 31, 1945, WAS RECEIVED WITH ALARM BY MOST JAP EVACUEES. THE COMMITTEE LEARNED FROM AUTHENTIC SOURCES THAT DELEGATIONS OF JAPS HAVE CALLED ON THE CENTERS' DIRECTORS, REQUESTING THAT SOME ACTION BE TAKEN FOR THE CONTINUATION AND MAINTENANCE OF THE CENTERS FOR THE DURATION OF THE WAR WITH JAPAN. JAPANESE EVACUEE SPOKESMEN BASE THEIR REQUEST ON SEVERAL GROUNDS. FIRST, THEY FEAR PHYSICAL INJURY IF THEY RETURNED TO THEIR FORMER COMMUNITIES WHILE THE WAR WITH JAPAN IS IN PROGRESS. SECONDLY, NEARLY ALL LEASES ON EVACUEE PROPERTY ARE FOR 'DURATION OF THE WAR WITH JAPAN', AND, THIRDLY, THE HOUSING PROBLEM FOR SOME 60,000 to 80,000 JAPS IN THEIR FORMER COMMUNITIES IS FRAUGHT WITH INSURMOUNTABLE DIFFICULTY AND HARDSHIP."

[Excerpt: The Joint Fact Finding Committee on Un-American Activities in California (1943-45)/Pre-McCarthy era, it should be noted.]

This portion pertained to the Japanese problems in California.

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90249

3 of 3 pages

Exhibit
#10A

1of2

MILTON S. EISENHOWER
4545 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21210

PRESIDENT EMERITUS
THE JOHNS HOPKINS UNIVERSITY

June 28, 1982

Dear Miss Baker:

I am grateful to you for sending me a copy of your book, The Concentration Camp Conspiracy: A Second Pearl Harbor.

Unfortunately, as I approach my 83rd birthday, I find it impossible to read small book print. Within five minutes the type blurs and I can scarcely see. So I am going to place the volume you sent me in the Eisenhower Library in Abilene, Kansas, where all my other papers are held in perpetuity. There they are available to research scholars.

I have been able by reading sketches here and there over a period of several weeks to realize that you have brought together original authentic documents which prove that I, as first Director of the War Relocation Authority and certainly [illegible] Mr. Dillon Myers, knew it was not the intention to create and maintain concentration camps. On television, in testimony before the Congress, and in many newspaper stories I have read of wounded Japanese-Americans returning from the war to find their parents "behind bars, unable to leave the concentration camp." One wonders what was gained by such lies.

While I have always thought the movement of most Japanese-Americans could have been avoided had the full truth been known from the first, the truth was not permitted to prevail, due to a careless comment or two by high military personnel and by a San Francisco radio broadcaster who daily inflamed the people, saying that an invasion of our Pacific Coast by the Japanese was probable and in such a situation one could not tell the difference between an enemy and a friend. Evacuation soon became inevitable.

I submitted testimony of great length to the recent governmental commission which was set up to determine whether evacuees should now be recompensed. Of course that was a silly effort. If we set such a precedent, we would have to pay vast sums to Indians and all other minorities.

Page Two

I am happy that all relevant evidence has at last been brought together in a single volume.

Sincerely,

Milton S Eisenhower

Miss Lillian Baker
15237 Chanera Avenue
Gardena, Ca. 90249

#10B

MILTON S. EISENHOWER
4545 NORTH CHARLES STREET
BALTIMORE, MARYLAND 21210

PRESIDENT EMERITUS
THE JOHNS HOPKINS UNIVERSITY

July 12, 1982

Dear Mrs. Baker:

I do not have a copy of the written testimony I submitted to the Commission which recently studied once again the evacuation of Japanese Americans and aliens from the Pacific Coast in 1941.

That testimony, save for the first two pages, was identical to the text in Chapter 6, beginning on page 63, in my book, The President Is Calling. The book is out of print but is available in most libraries.

Illness prevented me from personally deliverying my testimony. In it I did not express a judgment about the unwarranted request of some Japanese Americans that they be financially rewarded for the action taken with respect to themselves or their parents.

Yours sincerely,

Milton S. Eisenhower

Mrs. R. A. Baker
15237 Chanera Avenue
Gardena, Ca. 90249

over

1 OF 4 PAGES - MILTON S. EISENHOWER

NOTE: CONFIDENTIAL TO THE SUBCOMMITTE NOT FOR MEDIA DISTRIBUTION.

No. 23

PORTION OF DOCUMENTATION TO ACCOMPANY WRITTEN TESTIMONY BY LILLIAN BAKER, BEFORE THE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICES AND PROCEDURES, WASHINGTON, D.C., JULY 27, 1983.

COMMENT: *Dr. Milton S. Eisenhower wrote Baker on August 16, 1982, stating that he had never "publicly stated my judgment about the movement of evacuees to obtain payment for losses and have no intention of doing so in the future."*

Baker's response was that Dr. Eisenhower's letter of August 16th, 1982, and his unsolicited letter of June 28,1982 arrived complimenting Baker on her book, THE CONCENTRATION CAMP CONSPIRACY: A SECOND PEARL HARBOR, and that nowhere was Baker cautioned that the June 28, 1982 letter was of a CONFIDENTIAL nature or NOT FOR PUBLICATION. Baker wrote to Eisenhower: "...you knew my book-project, my views, and my efforts on behalf of America, and it appeared to me that you were offering information to strengthen the stand of those, like myself, who were OPPOSING reparations in any monetary form, and to oppose those who were 'telling such lies' about our government's action during WWII. Why else would I assume you wrote those views if not to make them known to others who were interested in this issue? You had already 'gone public' when you sent testimony to the Commission on Wartime Relocation..."

Baker wrote to Eisenhower that she had a moral obligation and patriotic duty to do everything possible to keep America a bastion of freedom in the world we now live in. Baker's obligation and duty to Country evoked stronger pulls than the desire to "protect" any person who served in public office that has made the decision "to refrain from going public".

Baker has never used the Eisenhower letters for personal aggrandizement or profit, and never would or will. But his views must be shared with those who now have the responsibility to make serious historical decisions of great magnitude affecting the honor of the United States, and the burden on its taxpayers.

These letters are submitted to the SUBCOMMITTEE on ADMINISTRATIVE PRACTICES & PROCEDURES, because Baker believes that these letters are important from an historical viewpoint and will clearly contradict and challenge the findings & recommendations of the CWRIC, and the Senators and Congressman who have initiated S.1520, and H.R.3387.

Exhibit
#11

A TRUE COPY
CITY OF GARDENA
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GARDENA, CALIFORNIA

86

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90249

COUNCILMEN
WAYNE A. BOGART, Mayor
EARL JACOBS
FRED O'HAVER
EARL P. POWERS
CARL G. PURSCHE

CAROLYN A. GREGORY, City Clerk
F. W. H. VAN OPPEN, City Treasurer
LESTER O. LUCE, City Attorney
HAROLD A. BARNETT, City Engineer
HENRY C. SMILEY, M. D., Health Officer

February 19, 1942

* SEE Other SIDE FOR DISTORTIONS of HISTORICAL FACTS

FEB. 17, 1942, DATE OF THIS RESOLUTION...
FEB. 19, 1942, E.O.9066... THE EXCLUSION ORDER FOR ALIENS ONLY!

Board of Supervisors, Los Angeles County
Hall of Records
Los Angeles, California

Gentlemen:

May I advise you that the Civilian Defense Council of the City of Gardena, California, in regular session, February 17th, 1942, passed the following Resolution by a unanimous vote:

"WHEREAS the Federal Government has ordered aliens out of certain restricted defense areas in Southern California, and

WHEREAS no place has been provided for them to go, and

THERE WERE NO RELOCATION CENTERS UNTIL E.O.9102, MARCH 18, 1942!

WHEREAS the community of Gardena, because of its already large population of both alien and citizen Japanese has attracted many of those from the restricted areas, and

WHEREAS there are no adequate housing facilities, and many of them cannot find a place to shelter them, and *[Alien Japanese & families sleeping in Buddhist Temple & gym floor]*

FEB 24 1942

WHEREAS many of them are in dire need of the necessities of life, and *[Many "enemy alien" Japanese were heads of households, were arrested leaving no means of support]*

WHEREAS the problem of caring for them is too great for this community, and

WHEREAS many important defense projects are located in this area and all aliens should be removed a greater distance, and

WHEREAS the Japanese aliens have expressed themselves as willing to farm and raise food for our citizens and armed forces at whatever place the Government will designate, and *[Japanese-American Citizens League worked with U.S. government to set up relocation centers for refugees]*

Minutes, Vol 276 Page 249

THOSE "ATTRACTED" TO GARDENA AREA WERE REFUGEE JAPANESE ALIENS & AMERICAN-BORN CHILDREN FLEEING FROM NORTHERN CALIFORNIA [MAINLY SALINAS' AREA] BECAUSE OF FILIPINOS REVENGE.

A TRUE COPY

Page 2
Board of Supervisors, Los Angeles County
February 19, 1942

WHEREAS the efforts of all farmers are greatly needed for the national defense

BE IT RESOLVED that the Gardena Defense Council and the Gardena City Council hereby urge you to use every effort to locate these people immediately on farming lands or other locations remote from the coast where they can be of use to the defense effort and the local civilian population will be protected and will not be burdened with caring for them.

BE IT FURTHER RESOLVED that because of the present emergency facing the Gardena Valley that these people be removed from our midst immediately."

Respectfully submitted for your consideration, by authority of the Gardena Civilian Defense Council,

Dale V Clanton
Dale V. Clanton, Chairman
Gardena Civilian Defense Council

ab

* GROSS DISTORTIONS
OF TRUTH BY FUKAI

THE GARDENA VALLEY NEWS SATURDAY, OCTOBER 30, 1982

Fukai calls for resolution to cancel evacuation order

In going through the county's archives, Councilman Mas Fukai, who doubles as assistant deputy to Supervisor Kenneth Hahn, was disturbed to find in the records a resolution from this city's Civilian Defense Council asking for the removal of Japanese Americans from the Gardena Valley.

The resolution, dated, Feb. 17, 1942, urged that all Gardena citizens of Japanese ancestry be evacuated expeditiously to World War II concentration camps for the following reasons:

"The community of Gardena because of its already large population of both alien and citizen Japanese has attracted many of those from the restricted areas.

"The problem of caring for them is too great for this community.

"Many important defense projects are located in this area and all aliens should be removed a greater distance.

"The Japanese aliens have expressed themselves as willing to farm and raise food for our citizens ... The efforts of all farmers are greatly needed for the national defense."

The measure resolved finally that in order to protect the local civilian population "these people be removed from our midst immediately."

Before the council, Fukai asked that another resolution be drawn up to rescind the original. He further moved that the city request all cities and counties on the west coast to do the same if a similar resolution had been passed in 1942.

Fukai said the order to evacuate all Japanese regardless of citizenship was signed in early 1942 by President Franklin D. Roosevelt during a time of mass hysteria caused by the w.. with Japan.

He noted that many thousands of Japanese Americans volunteered to serve in the United States army from where they were interned in camps and that public records of the federal government attest to the unquestioned loyalty of Japanese Americans to the country that incarcerated them.

"Many of the older people who lived in the camps are passing away," Fukai said. "I hope we might have this resolution to clear up the matter for them."

Other council members said they supported the intent of the proposed resolution.

"Although we cannot rewrite the tragedy that occurred to these people, we can at least correct the records," Mayor Don Dear said.

Added Councilman James Cragin: "It wasn't just. It wasn't fair. It was unconstitutional. If we can set the record straight, then we certainly should do it."

Acknowledging that the decision was made in another era, Councilwoman Gwen Duffy said she hoped that a similar event would not be allowed to occur in modern times.

Exhibit
#12

Lillian Baker
15237 CHANERA AVE
GARDENA, CALIF. 90245

Guest's Column

NCJAR Leader Reviews JACL Story

Ed. Note: The following review of Bill Hosokawa's book, "JACL in Quest of Justice" by William Hohri of the National Council for Japanese American Redress (Chicago) was recently published in the New York Nichi Bei, and is reprinted here as part of the PC's policy of presenting "a broad spectrum of opinions."

By WILLIAM HOHRI

Bill Hosokawa's latest book begins candidly enough. He likens the story of the JACL to the tale of "Rashomon," a tale of rape, in which each of the characters tells a unique version, none agreeing with the other. Hosokawa, of course, pretends to give us the authentic, objective history. But he winds up as only another in the cast of characters. The book is a history of the Japanese American Citizens League. Like all histories, stories, drama, art, culture, it tends to define what we are. It goes considerably beyond the JACL and into the history of Japanese America. It clothes us with our consciousness. So it must be evaluated for its effect upon us.

The term "Japanese American" hyphen-less, is the self-conscious creation of the JACL. It was promoted, quite successfully, to denote American citizens of Japanese ancestry and to *exclude* Japanese nationals. The JACL, in its early years, struggled valiantly to achieve all-American identity. In the 1930s, Wheaties, the Breakfast of Champions, was promoted by the radio character of Jack Armstrong, the All-American Boy. All young boys strove to fulfill this heroic image. So it's no wonder that the JACL was (and still remains) an exclusive club for American citizens. But Hosokawa extends "Japanese American" to all of us and thereby does our history and ourselves a great disservice. For the term excludes my parents and my oldest brother and sister, all of whom were born in Japan. They were certainly part of Japanese America. They were Japanese-Americans. I suppose that as a private club, the JACL may be permitted to exclude non-citizens. But the insinuation of such exclusion to the best of the community is inaccurate and distressing.

The anecdotal part of the book is interesting enough. Some of the names are familiar. And it fills out the identities of those with whom one had only a nodding acquaintance. Not all the names appear. And some that do seem trivialized. I missed the mention of Frank Sakamoto, who must be considered Mr. Chicago JACL. Richard Akagi was much more than "Masaoka's assistant." And Togo Tanaka's outspoken opposition to the Walter-McCarran Act is missing. But a book must be selective. Hosokawa seems fair-minded enough. He states his desire to resist revisionist tendencies. So he does display some of the JACL's soiled laundry, such as the flap over David Ushio and Shigeki Sugiyama. He even includes a picture of Warren Furutani. But the book suffers other lapses which are unforgivable. It is revisionist history with a JACL bias.

The critical war years remain unexplicated. We are left with the impression that the hostility towards JACLers in the camps was the result of their patriotism and the forced idleness of the internees.

The hostility, which had deadly manifestations, was evoked by activity, which, equally deadly, caused persons, including my own father, to be taken away—from within camp—without a particle of due process—without charges specified, without a hearing, without legal counsel, without judicial reckoning of any sort. The implied but undefined criminality of this imprisonment made even harsher the life in the isolation centers and the Department of Justice camps. And the acts of informants did not remain covert. Tokie Slocum testified before a Senate committee about his fingering of the Manzanar Sixteen, who were whisked away in the aftermath of the Manzanar riot. FBI agents were sloppy in their interrogation of suspects. The role of the JACL is also confirmed by official documents from the National Archives.

An FBI report dated January 20, 1942 states:

"*On December 19, 1941, members of the Anti-Axis Committee* came to the Los Angeles Field Division Office and offered the facilities of the entire Japanese American Citizens League to this Bureau. It had been the experience of this office that, although the various Japanese organizations, Issei and Nisei, had for some time volunteered to cooperate with the Bureau, there had always been a reluctance on their part to furnish any specific derogatory information concerning any organization or individual. The former existence of this situation was freely acknowledged by the Anti-Axis Committee at the time of the above meeting, but they alleged that the attack on Hawaii had completely changed the attitude of most of the American-born Japanese, and that they are now willing to inform on all individuals who appeared to be a danger to this country.*"

Then further on:

"*The following items of interest were recently obtained from various members of the Japanese American Citizens League, who have requested that their identities remain anonymous:*

"*1. It is claimed that for the past two years, it has been impossible for a citizen of Japan to receive permission to travel to the United States until he was thoroughly investigated by the Japanese Government and was subjected to an interview, in which he satisfied Japanese officials that he was wholly in accord with the policies of the Japanese Government and would contribute a portion of his income to the Japanese Government. In addition, an oath of allegiance to Japan was demanded from these individuals. It is reported that this procedure was followed even in the case of Japanese nationals who were resident aliens of the United States visiting or on business in Japan. If this be true, it would mean that every Japanese alien returning to this country within the past two years has sworn to assist and uphold the present Japanese Government.*"

My father had, in fact, returned to this country within two years before Pearl Harbor.

The report continues with a listing of five names and descriptions submitted by the JACL of persons described as "ardent supporters of the Japanese cause and ones whose activities should be investigated by the FBI."

The revisionism continues with the Constitutional test cases. One gets the clear impression that the JACL supported these cases. But the chips were down in 1942. The individuals were imprisoned. When Hosokawa mentions the $3,000 raised on behalf of Minoru Yasui's legal defense, he fails to note that the raising of such funds was characterized by Mike Masaoka as a "stab in the back". The JACL's opposition was bitter and unyielding. In March, 1942, the JACL circulated a bulletin which stated:

"*The National JACL headquarters is unalterably opposed to test cases to determine the constitutionality of military regulations at this time, declared Mike Masaoka, national secretary, in a general bulletin to all chapters in reference to the Minoru Yasui case in Oregon.*

"*We have reached this decision unanimously after examining all the facts in light of our national policy of: the greatest good for the greatest number.*

"*Masaoka, in his statement said, 'We recognize that self-styled martyrs who are willing to be jailed in order that they might fight for the rights of citizenship, as many of them allege, captured the headlines and the imagination of many more persons than our seeming indifferent stand.'*"

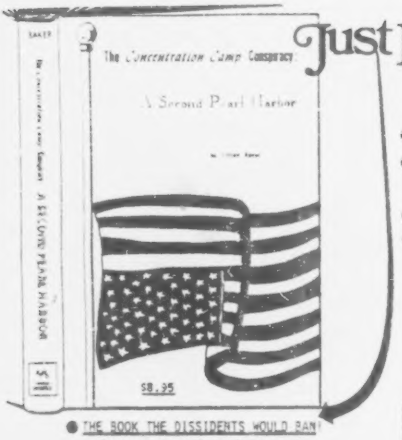
Hosokawa writes that both Masaoka and Saburo Kido considered civil disobedience, but rejected it for pragmatic, not philosophical reasons. But the attack on Yasui sounds a bit more than pragmatism.

Even when he comes to the current history of the redress movement, he errs, mischievously. The movement for redress was initiated, pushed, researched in the 'seventies by the Seattle Redress Committee. The Lowery Redress Bill was initiated by the National Council for Japanese American Redress, mainly through its supporters in Seattle. And now NCJAR is embarked upon the course of initiating a class action lawsuit against the United States. None of this is mentioned. It's the JACL all the way.

It is clear that what we have here is only the house version of the JACL history. An objective history will require far more honesty and integrity, far more research and documentation. (The Chapter Notes are woefully inadequate: the repeated citations from Hosokawa's "Nisei", shameless. No shame, as we used to say.) Unfortunately, this book, like other JACL-sponsored books, will form the corpus of literature available on our history, with some outstanding exceptions, such as Michi Weglyn's "Years of Infamy." We continue to squirm under the legacy of our bizarre internment. We continue to be oppressed by the self-imposed slogan of those years: The Greatest Good for the Greatest Number.

Ugh! I feel like the rapee. I want my hyphen back. •

OVER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Sachio Saito, 442nd Nisei Veteran.WWII.

WIDELY ACCLAIMED!

"I must confess I have much more knowledge about the relocation camps now thanks to you..."
- The President of the United States, Ronald Reagan

- THE BOOK THE DISSIDENTS WOULD BAN!

DURING WORLD WAR II, DID AMERICA HAVE CONCENTRATION CAMPS - OR - RELOCATION CENTERS?

THE *Concentration Camp* CONSPIRACY: A SECOND PEARL HARBOR

by Lillian Baker

"I am hopeful this book, THE CONCENTRATION CAMP CONSPIRACY by Lillian Baker, will go far to clear up some misinterpretations and misinformation regarding the activities of the War Relocation Authority which I directed throughout most of its existence."
- Dillon S. Myer, Director WRA(1942-46)

"...thank you for sending me a copy of the testimony on behalf of Mr. Dillon S. Myer. I have also perused the other material which you included. It is all very well researched, accurate and illuminating."
- Karl R. Bendetsen,[Col. AUS, Ret.]

"It gives me pleasure and satisfaction to write this introduction to Lillian Baker's excellently researched and honestly written publication on the Japanese war relocation centers during World War II...I believe she brings a new and first hand account of this event in American history... She should be listened to..."
- Dr. R. Coke Wood, co-founder, Conference of Calif. Historical Societies,a long-time teacher of California history, and named "Mr. California",1969, by former Governor Ronald Reagan and by joint Resolution of the California Legislature.

"I am proud to be a Japanese-American. But when a small but vocal group of Japanese-Americans calling themselves a 'Redress Committee' demand a cash indemnity of $25,000 for all those who went to relocation camps during World War II, including those who were infants at the time, and those who are now dead -- a sum of $2.75 billion -- my flesh crawls with shame and embarrassment."
Hon. S. I. Hayakawa, Senator (R-Calif.) ●

"To Lillian Baker from Shonin Yamashita: GIVE 'M HELL!"
- S. Yamashita, author: "The Japanese Evacuation, 1942 - IT HAD TO BE SO"

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Exhibit
#13

•"THE RECENT ATTEMPT TO PORTRAY THE WORLD WAR II RELOCATION OF PERSONS OF JAPANESE DESCENT AS A TRAVESTY OF JUSTICE REQUIRING $1 BILLION IN COMPENSATION IS A FALSIFICATION OF HISTORY."

•"THE COMMISSION REPORT IS ONE-SIDED, INCOMPLETE AND UNFAIR...ITS PURPOSE WAS TO CONDEMN THE U.S. GOVERNMENT'S ACTIONS AND RECOMMEND PAYMENT OF COMPENSATION TO THE 'VICTIMS'. THE INQUIRY WAS LIKE A TRIAL WHERE THE ACCUSED IS PRESUMED GUILTY FROM THE OUTSET."

•Keeping Track

pacific citizen
December 16, 1983

History falsified to win relocation pay

By KIYOAKI MURATA
Asahi Shimbun, Aug. 18, 1983

• The recent attempt to portray the World War II relocation of persons of Japanese descent as a travesty of justice requiring $1 billion in compensation is a falsification of history.

This February, the Commission on Wartime Relocation and Internment of Civilians found that the forced migration of Japanese and Japanese Americans was due to "racial prejudice and war hysteria." It was not justified by "military necessity", concluded the commission, which was set up by Congress in 1981.

While the U.S. mass media generally concurred with the report's moral judgment on the wartime events, in Japan, the United States' admission that it had been wrong was widely praised as "worthy of the world's leading democracy."

• The commission report, however, is one-sided, incomplete and unfair. The congressional body was not established to examine the relocation program objectively. Its purpose was to condemn the U.S. government's actions and recommend payment of compensation to the "victims". The inquiry was like a trial where the accused is presumed guilty from the outset.

Basic Misunderstanding

I was in California when the evacuation began in early 1942. I had arrived in the United States in 1941 on a student visa, six months before Pearl Harbor. Less than a year later I was being evacuated as an enemy alien. Since I personally experienced the resettlement, I wish to correct some basic misunderstandings about it.

First, the term "concentration camp", which is sometimes used to describe the relocation centers, is totally inappropriate. The expression should be reserved for the camps set up by the Nazis to exterminate Jews.

In the United States, Japanese subjects—who were enemy aliens—and American citizens of Japanese origin were relocated from the states of Washington, Oregon and California into the interior. These states had been designated military zones. People of Japanese ancestry living elsewhere were not affected at all. (Some Japanese in Arizona were also subject to military removal.—Ed.)

Second, the commission's finding that there was no "military necessity" justifying the relocation begs the question. As the war continued, it became obvious that Japan did not intend to attack the West Coast and that there was no internal danger of espionage or subversion. But in late 1941 and early 1942, the U.S. Army's Western Defense Command was convinced that Japanese armed forces might even invade the West Coast.

U.S. Army Apprehensive

In such an event, first-generation Japanese residents, who were legally barred from naturalization, were expected to remain loyal to their fatherland. The U.S. Army was also apprehensive about the loyalties of their American-born offspring, who were U.S. citizens. Given the military situation in 1942, it is understandable that the Army took every possible precaution to protect the West Coast.

With the advantage of hindsight, it is easy now, 42 years later, to criticize the removal program. But this ahistorical argument proves nothing.

Third, some argue that relocation was the result of anti-Japanese prejudice. They point out that German and Italian citizens, who were enemy aliens, were not moved to relocation centers. But this criticism, too, is wide of the mark: the presumed threat to the West Coast came from Japan, not from Germany or Italy.

Fourth, in the first phase of the relocation program, the U.S. Army encouraged and assisted those who were willing to evacuate voluntarily. About 4,000 people subsequently moved to inland states where they were free to settle anywhere.

Given the widespread anti-Japanese sentiment generated by Pearl Harbor, however, many of these states objected to the influx of newcomers whose loyalty was considered suspect. In the spring of 1942, the Army was forced to resort to group relocation, and camps were set up in remote areas of states in the interior.

Employment Service

By early 1943, the authorities had established an employment service to encourage camp residents to find work and resettle in the Midwest or the East. In May 1943, after only nine months at a relocation center in Arizona, I was able to leave for Chicago where I worked my way through school.

Many others also left the camps for employment outside. Those who remained in the centers until the end of the war did so primarily because they preferred the security and comfort of the camps to the uncertainties of life on the outside.

Although the relocation centers were established under the difficult circumstances of the early wartime months, the authorities made every effort to minimize the hardship for relocatees. The camps were self-governing, and people who worked received compensation.

CWRIC Recommendation

This June, the Wartime Relocation Commission urged that approximately 60,000 survivors of relocation be paid compensation totalling more than $1 billion. A bill has been submitted to implement this recommendation.

The commission has aroused controversy since it was formed two years ago. The $1 billion payment to Americans of Japanese descent will fuel popular opposition. It will exacerbate U.S.-Japan relations, already strained by trade disagreements, because the tified Japanese Americans with Japan.

Most Japanese have viewed the resettlement issue from afar, as mere bystanders. But we must remember that relocation was a consequence of the war Japan started with the United States. —Asahi Shimbun

Murata was editor of Japan's leading English-language daily, The Japan Times, until his recent retirement.

Translated by The Asia Foundation's Translation Service Center

● More information: Lillian Baker,
15237 Chanera Ave., Gardena, CA 90249

Editor Kiyoaki Murata predicted the outcome of the Commission's distortion of facts as early as August 1981, as reported in "JAPAN TIMES" August 21, 1981 issue, (Tokyo). Murata, evacuated during WWII, gave Baker permission to print his letter to another evacuee, shown on other side of page.

OVER

A TRUE COPY

The Japan Times, Ltd.

Cable Address: "JAPANTIMES TOKYO" • 5-4, SHIBAURA 4-CHOME, MINATO-KU, TOKYO, JAPAN 108

November 3, 1981

[redacted]
[redacted] California
U. S. A.

Dear Mrs. [redacted],

I was very much distressed to learn that you are being harassed by some Americans of Japanese ancestry because of your position regarding the wartime relocation program.

As the enclosed article in the August 21 issue and my reply to a letter of criticism of the signed article in The Japan Times show, I maintain that the program was one of "relocating" Japanese-Americans and alien Japanese from the three West Coast states to other areas of the United States.

It hardly needs to be stated that the evacuees were not forced to stay in the camps for the duration of the war. I was an enemy alien who happened to be in California when the evacuation began because I had entered the United States as a student from Japan in June 1941. In August 1942, I went to the relocation center at Poston, Arizona, thinking that I, being an enemy alien, might be kep in the relocation center until the war ended. But I was given an indefinite leave in May 1943—after only nine months—because I had prospective employment outside. I went to Chicago and from then on I was able to study while working as I had planned to.

My concern in writing the August 21 article in The Japan Times, of which I am editor, was to correct the distorted image of the evacuation being created in Japan by those who did not know the facts. I was surprised, however, to hear many voices of criticism of my position from Japanese-Americans who are in favor of obtaining redress for the evacuation. My contention is that while the final judgment rests with the redress commission, it is essential that the commission studies facts objectively without being swept by emotion.

It saddens me to realize that the people who are condemning you as a "racist" and "bigot" are the ones who claim to have been victims of racial prejudice and bigotry.

I hope that you will not be cowed by such misplaced accusations and stand firm in the interest of fairness which is an essential ingredient of American democracy.

Sincerely yours,

Kiyoaki Murata

Kiyoaki Murata
Editor

Note: In a letter addressed to Lillian Baker by a veteran of the 442nd all Japanese-American combat unit, the writer stated that those Japanese-Americans who were disloyal and refused to serve the U.S.A. during WWII, have "agonized" over that decision all these decades and are now ashamed of their actions. Are we to pay these men who refused to serve but sat it out in safety at the WRA centers?

SEE OTHER SIDE

COPY

"CIVIL RIGHTS FOR ALL?- it depends"

Exhibit
#14

An open letter to Mr. Hugh Mitchell, Chairman of the Japanese-American Reparations Commission:

Lillian Baker
15237 CHANERA AVE.
GARDENA CALIF. 90249

Last Friday afternoon at the public hearing chaired by your Commission I listened to two hours of pro-reparation testimony. As the groups concluded their allotted time, members of the Commission questioned some of the participants in a most friendly and gracious manner, asking what monetary figure, if any, they felt would be appropriate. The response was varied, but in each case the person was made to feel his testimony was highly beneficial and helpful.

The next segment of time was designated for three people to speak - all former U. S. military personnel. Each one cited their beliefs why they felt reparations were not justified. The first was a retired General who was Base Commander at Fort Lewis at the time of Pearl Harbor. The second person was a retired U. S. Navy Officer. My husband was the third to speak and made reference to his two documented items of potential subversion by Nisei in the Los Angeles area 1941-1942. He also pointed out why he felt internment was justified at that time. He said "one cannot go back 40 years to correct what some feel today was unwarranted and unkind treatment. We were at war - Japan then was a bitter enemy even though today she is friend, business partner, and ally". These three participants had willingly served the country they love with all dignity and honor, and their presentations did not belie this fact.

Immediately at the conclusion of this testimony, a Commission member collectively chided the men two or three times over a certain issue he felt had been overlooked. Questions were asked but with subtle

over

(2)

innuendoes. They were aimed to distract and confuse. Civil rights of the Nisei were constantly brought up, but never the rights of those Americans who did not return from that war. A statement by a Commission member was purposely repeated 3 or 4 times to my husband which was ~~purposely~~ meant to demean, embarrass and ridicule. It evoked great pleasure and laughter from the predominately Japanese-American audience.

I have attended countless meetings and hearings over the years, but never have I witnessed such bias and unfair treatment afforded participants by a panel because the beliefs presented were obviously at variance with certain panel members. It is the duty of any such Commission, no matter what their personal beliefs, to at least show a tacit fairness to all participating. This was certainly not done at the Friday afternoon hearing on Sept. 11, 1981.

I would hope that the above inequities will be corrected immediately. Only then could proper credence be given to the purpose for which these hearings were meant to be conducted.

Sincerely,

Mrs Kay Kubick

Mrs. (W. G.) Kubick

3258 N.E. 104
Seattle, Wa. 98125

524-7106

Exhibit
#15

The
American
Legion

For God and Country

★ NATIONAL HEADQUARTERS ★ P.O. BOX 1055 ★ INDIANAPOLIS, INDIANA 46206 ★
(317) 635-8411 ★

October 21, 1983

Ms. Lillian Baker
15237 Chanera Avenue
Gardena, California 90249

Dear Ms. Baker:

At its October 12-13, 1983, meeting the National Executive Committee of The American Legion adopted a resolution urging Congress to dismiss action that claims redress or reparations to civilians who were relocated from strategic military zones during World War II.

We appreciate your interest in this subject and want you to know that your input greatly contributed to the decision of the National Executive Committee.

Sincerely,

Raymond C. Patterson

RAYMOND C. PATTERSON
Director
Internal Affairs

(OVER)

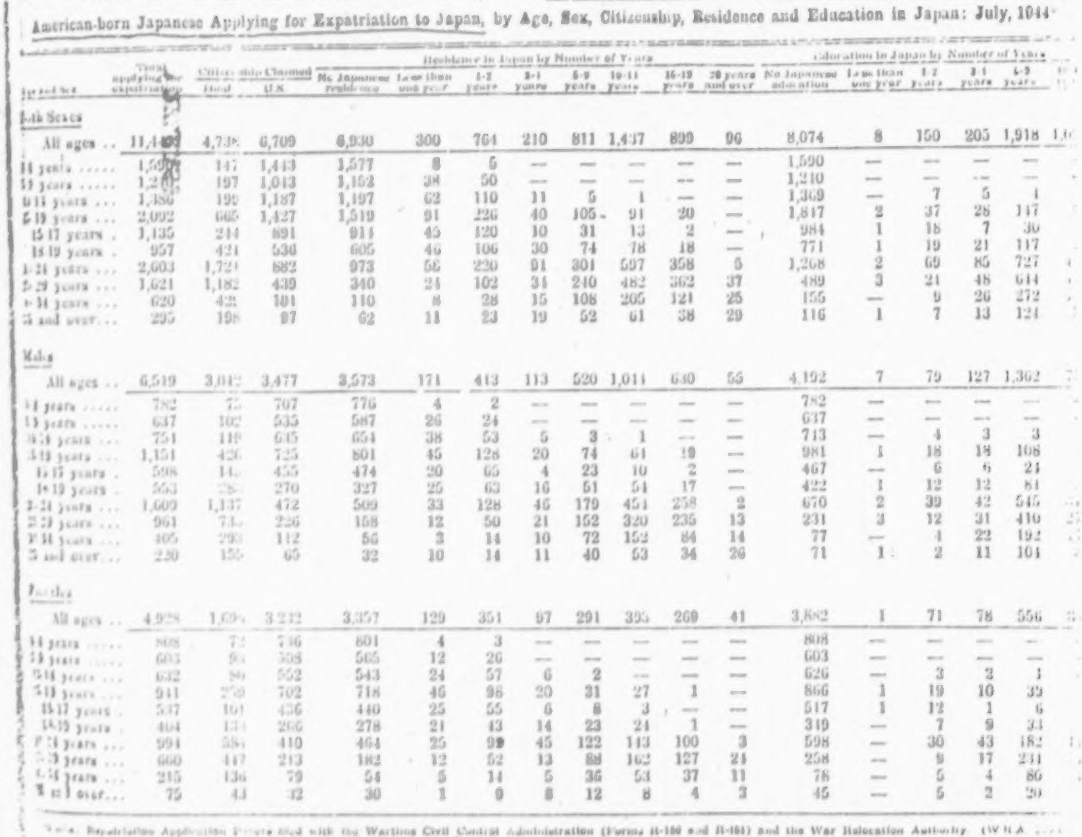
TO GIVE "AID & COMFORT" TO THE ENEMY IN TIME OF WAR IS CONSIDERED TREASON...

THOUSANDS OF JAPANESE-AMERICANS WERE GUILTY BECAUSE THEY REFUSED TO FIGHT FOR THE UNITED STATES AND RENOUNCE ALLEGIANCE TO THE EMPEROR OF JAPAN.

BELOW IS PROOF-POSITIVE THAT THIS IS A FACT, AND THE CLAIM THAT THERE WAS "NOT A SINGLE CASE OF DISLOYALTY BEFORE, DURING, OR AFTER WWII" IS ABSOLUTELY FALSE.

• U.S. Supreme Court UPHELD constitutionality of evacuation.

• UNITED STATES SUPREME COURT, October 1944 Term [Korematsu v. U.S.] "...there were disloyalties"



American-born Japanese Applying for Expatriation to Japan, by Age, Sex, Citizenship, Residence and Education in Japan: July, 1944

Age and Sex	Total applying for expatriation	Citizenship Claimed		Residence in Japan by Number of Years							Education in Japan by Number of Years				
		Dual	U.S.	No Japanese residence	Less than one year	1-2 years	3-4 years	5-9 years	10-14 years	15-19 years	20 years and over	No Japanese education	Less than one year	1-2 years	3-4 years	5-9 years
Both Sexes																
All ages ..	11,447	4,738	6,709	6,930	300	764	210	811	1,437	899	96	8,074	8	150	205	1,918
0-4 years	1,590	147	1,443	1,577	8	5	—	—	—	—	—	1,590	—	—	—	—
5-9 years	1,210	197	1,013	1,152	38	50	—	—	—	—	—	1,210	—	—	—	—
10-14 years ...	1,380	193	1,187	1,197	62	110	11	5	1	—	—	1,369	—	7	5	1
15-19 years ...	2,092	665	1,427	1,519	91	226	40	105	91	20	—	1,817	2	37	28	147
15-17 years .	1,135	244	891	914	45	120	10	31	13	2	—	984	1	18	7	30
18-19 years .	957	421	536	605	46	106	30	74	78	18	—	771	1	19	21	117
20-24 years ...	2,603	1,721	882	973	56	220	91	301	597	358	5	1,268	2	69	85	727
25-29 years ...	1,621	1,182	439	340	24	102	34	240	482	362	37	489	3	21	48	614
30-34 years ...	620	429	191	110	8	28	15	108	205	121	25	155	—	9	26	272
35 and over...	295	198	97	62	11	23	19	52	61	38	29	116	1	7	13	124
Males																
All ages ..	6,519	3,042	3,477	3,573	171	413	113	520	1,014	640	55	4,192	7	79	127	1,302
0-4 years	782	75	707	776	4	2	—	—	—	—	—	782	—	—	—	—
5-9 years	637	102	535	587	26	24	—	—	—	—	—	637	—	—	—	—
10-14 years ...	751	106	645	654	38	53	5	3	1	—	—	713	—	4	3	3
15-19 years ...	1,151	426	725	801	45	128	20	74	61	19	—	981	1	18	18	108
15-17 years .	598	143	455	474	20	65	4	23	10	2	—	467	—	6	6	24
18-19 years .	563	293	270	327	25	63	16	51	54	17	—	422	1	12	12	84
20-24 years ...	1,609	1,137	472	509	33	128	46	179	451	258	2	670	2	39	42	545
25-29 years ...	961	735	226	158	12	50	21	152	320	235	13	231	3	12	31	410
30-34 years ...	405	293	112	56	3	14	10	72	152	84	14	77	—	4	22	192
35 and over...	220	155	65	32	10	14	11	40	53	34	26	71	1	2	11	104
Females																
All ages ..	4,928	1,696	3,232	3,357	129	351	97	291	393	260	41	3,882	1	71	78	556
0-4 years	808	72	736	801	4	3	—	—	—	—	—	808	—	—	—	—
5-9 years	603	95	508	565	12	26	—	—	—	—	—	603	—	—	—	—
10-14 years ...	632	80	552	543	24	57	6	2	—	—	—	626	—	3	2	1
15-19 years ...	941	239	702	718	46	98	20	31	27	1	—	866	1	19	10	39
15-17 years .	537	101	436	440	25	55	6	8	3	—	—	517	1	12	1	6
18-19 years .	404	138	266	278	21	43	14	23	24	1	—	319	—	7	9	33
20-24 years ...	994	584	410	464	25	99	45	122	143	100	3	598	—	30	43	182
25-29 years ...	660	447	213	182	12	52	13	88	162	127	21	258	—	9	17	231
30-34 years ...	215	136	79	54	5	14	5	36	53	37	11	78	—	5	4	86
35 and over...	75	43	32	30	1	9	8	12	8	4	3	45	—	5	2	20

Source: Repatriation Application Forms filed with the Wartime Civil Control Administration (Forms R-100 and R-101) and the War Relocation Authority (W.R.A. ...

Chart 4

Wartime Civil Control Administration applications prior to evacuation & exclusion orders.

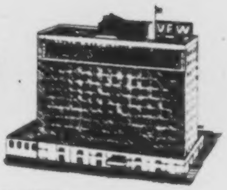
[From the Supreme Court Archives, Wash. DC now declassified]

OVER

NEWS *Release*

Telephone
816-756-3390

National Headquarters
Veterans of Foreign Wars of the U.S.
V.F.W. Building, Kansas City, Missouri 64111



"THE VOICE OF TWO AND ONE HALF MILLION MEN AND WOMEN OF THE VFW AND ITS AUXILIARY"

Exhibit
#16

FOR RELEASE:
IMMEDIATELY
(23 JUNE 1983)

Lillian Baker
15237 CHANERA AVE.
GARDENA, CALIF. 90249

VFW: NEVER "REPARATIONS" FOR WEST COAST JAPANESE-AMERICANS

WASHINGTON, D. C. -- James R. Currieo, National Commander-in-Chief of the Veterans of Foreign Wars of the United States, declared there should "never" be "reparations" paid or an "apology" offered to the West Coast Japanese-Americans relocated from their homes in the early days of World War II.

The full text of commander Currieo's statement follows:

"The taxpayer-funded 'Commission on Wartime Relocation and Internment of Civilians' has recommended, and the Congress will seriously consider, the payment of $20,000 to each of 60,000 Japanese-Americans evacuated from the West Coast following Pearl Harbor; the total sum of money involved is about 1.5 billion.

"The Commission termed this unprecedented payment 'an act of national apology' for a 'grave injustice'.

"No effort was made by this Commission to ask knowledgeable U.S. officials to explain the very pressing reasons behind President Franklin D. Roosevelt's 1941 action.

"Today, some 41-plus years after the fact and armed with 20/20 hindsight, all may agree that the resettlement was very difficult for those 120,000

-more-resettled. Indeed, Secretary of War Henry L. Stimson, Attorney General Francis Biddle, and Earl Warren, then Attorney General of California, all regretted the necessity for the wartime action.

"Not withstanding the foregoing, no American should become so suffused with after-the-fact 'guilt' that he forgets that the bottom line responsibility for all the dislocation, death, and misery for the years 1941-1945 rests with the former military government of Imperial Japan whose surprise attack at Pearl Harbor set in motion the privations suffered by the innocent ethnic Japanese on the West Coast, not to mention the death, and maiming and privations suffered by all who fought on either side during the Pacific War.

"Following the stunning U.S. Defeat at Pearl Harbor, the West Coast was painfully vulnerable to a follow-on attack. We now know such an attack didn't happen; we did not know this during 1941-1942.

"The United States Supreme Court later supported the main features of the 1941-1942 relocation from the West Coast.

"Why should Americans of 1983 be asked to shoulder the blame, to finance and to conduct inquiries into their 'guilt' and pay for the consequences of an indisputable act of aggression by Japan?

"Nothing in the foregoing should be taken to reflect in the slightest on the brilliant and heroic service of those proud Nisei who fought in the fabled 100th Battalion or the famous 'Go For Broke' 442nd Regimental Combat Team. Their service to America defies measurement.

"Let there be no doubt as to where the Veterans of Foreign Wars of the United States stands. The VFW resolutely opposes any effort from any quarter to pay any level of 'reparations' to any individual (or his or her next of kin) relocated from the West Coast during the early and painful days of American's entry into World War II."

-VFW-

Senator STEVENS. Mr. John Herzig.

TESTIMONY OF LT. COL. JOHN A. HERZIG, U.S. ARMY (RETIRED)

Mr. HERZIG. Thank you, Senator Stevens.

I appreciate this opportunity and in fact I look forward to it with a great deal of anticipation.

I, too, came here from the Washington area, so I recognize the hardship that we both face.

My name is John A. Herzig and I am a former Regular Army counterintelligence officer.

After the Commission on Wartime Relocation and Internment of Civilians had submitted its findings to the Congress in early 1983, several newspaper articles appeared criticizing the Commission's report on grounds that it had ignored the role of the MAGIC intercept cables in and the decision to exclude and incarcerate the west coast Japanese in 1942.

These stories accused the Commission of "shoddy research and workmanship" and are attributed to or written by one man, who appeared here before you today, a former official of the National Security Agency.

In June 1984, he took his story to the Congress and testified before the House subcommittee hearing on H.R. 4110, the counterpart bill to the bill that you are considering today.

He has directly attacked the loyalty of Japanese-Americans, and is attempting to overturn the findings of the last 40 years of authoritative historians on this subject. But he had not contacted the Commission, during what he says are its 3 years of existence, to impart to them the wisdom of his findings.

The people and the Congress deserve to have his allegations analyzed. Because the Commission's term has expired, I have undertaken to provide that, sir. Details to my statement are contained in the written testimony that I have submitted to your staff.

I would like to add that I do not, in any way, represent any of the Commissioners, I have not been in contact with any former Commissioner about my testimony today.

I would also add that I have not been in contact with John J. McCloy, the former Assistant Secretary of War, about this testimony.

Mr. Lowman's attack on the Commission and the loyalty of Japanese-Americans is a mixture of fact and fantasy. The facts are that the United States had developed a system of intercepting the Japanese diplomatic cables, and this system was called MAGIC. It was a valuable source, perhaps an invaluable source, of information on Imperial Japan's actions and plans.

The fiction part of Mr. Lowman's statement is in the interpretation and additions to those 47 cables to which he refers in his testimony, and to the quotations that he makes from intelligence authorities whom he quotes as secondary sources.

He charged today, as you heard, that the Commission was ignorant of MAGIC, and that General DeWitt and his intelligence staff had received MAGIC espionage messages, showing that the Japanese were involved in espionage.

The verbatim transcripts of the Commission hearings, which are in the National Archives, clearly indicate that MAGIC was discussed, that the Commission was aware of the intercepted cables, and that even Mr. McCloy was questioned as to espionage on the part of Japanese-Americans on the west coast.

Mr. McCloy did mention MAGIC, but only in connection with the war in the Pacific, not in relation to the loyalty of the Japanese-Americans.

Mr. Lowman's statement that you also heard today, that General DeWitt's intelligence staff was aware of messages indicating disloyal acts by Japanese-Americans, was completely refuted at the Commission hearings by General DeWitt's former counterintelligence chief, Col. Boris Pash, whose name you heard earlier today. He was very clear in stating specifically that he had no reports and no information about espionage conducted by the Japanese-Americans.

Col. Karl Bendetson, General DeWitt's former Assistant Chief of Staff, is described in the 1948 and 1949 Who's Who in America as the officer "who prepared the Executive Order 9066," and directed the evacuation.

Archival documents also indicate that he was instrumental in preparing the early draft of Public Law 503, the legislation passed by the Congress at that time which provided penalties for violation of that Executive order.

Colonel Bendetson also appeared before the Commission in Washington. He was specifically asked if there was any information concerning espionage or sabotage by Japanese-Americans. He replied that he had received no such information.

In further refutation of Mr. Lowman's contention that MAGIC was a factor in the decision to exclude the Japanese, testimony from official representatives of the Army, the Navy, the Justice Department, the State Department, and the Interior Department was heard by the Commission. Not one of the official representatives of those cabinet agencies gave any indication to the Commission of MAGIC espionage reports or acts of disloyalty on the part of Japanese-Americans.

As a matter of fact, in June when Congressman Sam Hall asked Dr. David Trask, the United States Army official historian, if he had any information that MAGIC had an impact on the decision to expel the Japanese, Dr. Trask stated very specifically in his opinion he had no reason to believe that that was the case.

Mr. Lowman cites 47 cables—MAGIC cables—to support his thesis out of a total of some 2,000 which are now currently available in the Department of Defense's 8-volume publication, "the MAGIC Background of Pearl Harbor."

These cables that he has chosen are a strange mixture. Twenty are either from or to Tokyo and Latin American countries. You heard him here today talking about all those messages from Latin America, from Mexico. They have very little to do with the loyalty of the Japanese-Americans. Only six of those cables actually mentioned second generations or Nisei, and these are either from Tokyo—some with suggestions to recruit second generations, among other groups—or they originate from the Japanese Consulates reporting their plans and hopes to recruit Nisei for intelligence purposes here in the United States.

One would expect to see reports about American war plans, of codes and ciphers, details of the Norfen bomb sight, all of which would clearly indicate, as Mr. Lowman implies, that the Japanese-Americans were the source of such data.

No evidence of success in recruiting Japanese-Americans as spies is contained in any one of those cables.

This is the most striking example, I think, of Mr. Lowman's overstatement of this case. You recall earlier in his testimony before you that he cited some specific MAGIC cables. They are dated September 1941. I have them here.

In his written testimony he calls them espionage nuggets—and states that the information in them was obtained through espionage.

These cables show that they came from the Los Angeles Japanese consulate—certainly. They contain information as he said, of airplane production on the west coast. They mention the amounts of Government contracts given to various aircraft plants for production of medium and heavy bombers and P-38 pursuit planes.

They also give the amount of the payroll, as he said, and the number of employees in those plants. One message reveals that some of the production is designated for the British. But the text of the messages themselves give no indication that the source of the information was through espionage techniques.

As a matter of fact, a thorough researcher would have noted that within 10 days prior to the date of those cables which Mr. Lowman refers to as espionage nuggets, at least two Los Angeles Times articles, which I also have here, reported that Douglas Aircraft, Consolidated Aircraft and Vega were producing heavy bombers and P-38's, that some were scheduled for delivery to the British; that multimillion dollar contracts were awarded to those companies, and that Douglas Aircraft was employing 35,000 civilians.

So rather than having to smuggle a spy with Asian features into an aircraft factory, the same data was available to any reader of the Los Angeles Times.

Mr. Lowman mentioned an amateur by name—John Franklin Carter, whom he described in rather derogatory terms—and mentioned him in connection with the Commission having used Mr. Carter's investigation findings because they supported the Japanese population.

In fact what Mr. Lowman apparently does not know is that in the FDR library there are 18 boxes of reports that came from John Franklin Carter directly to Franklin D. Roosevelt for the period 1941 through 1945, and that John Franklin Carter served as a special adviser to Franklin Roosevelt, who supported his operation with hundreds of thousands of dollars.

I think, Senator, if I may—and I am going to try to stick with your 10 minutes—there are several larger issues beyond the exclusion and detention of the Japanese-Americans that relate to this.

In 1940 and 1941, the beaches of our east coast were awash with the oil and debris of Allied ships that were sunk by Nazi submarines. American Nazis were drilling in the streets of New York City, wearing their brown shirts and swastikas on their arms. They were assaulting Jews in the subways of New York. They had training camps in rural areas of New York. They had their own radio stations with which they were communicating directly to Berlin. Why was not serious question raised as to the danger of Fifth Column activities of the 20,000 members of the German-American bund? Or even of evacuating alien enemies of all Axis countries from the vicinity of our seaports and military installations on the east coast?

Selective justice is no justice at all. Ninety-one persons were convicted of spying in the United States during 1938 through 1945. Sixty-four of them were American citizens. Not one was a Japanese-American.

But suppose one case of espionage by a Japanese-American had been found, or 10 cases, or 100 cases. Would that have provided the reason to incarcerate a thousand times that number of innocent people? That is the theory of retaliation that was practiced by the Nazis.

Every nation seeks a scapegoat for its own problems, and this is exemplified by the treatment of the Japanese-Americans, by their own Government, in the beginning of 1942. Had those same standards been applied to Italian and German Americans, a huge number would have suffered a similar fate. Among them would have been Gen. Walter Krueger, one of General MacArthur's senior commanders who was German-born himself, but nevertheless, played a great part in supporting the war in the Pacific against the Japanese—the Imperial Japanese.

I heard Senator Moynihan's name mentioned here earlier. I am sure that you are aware, Senator, that in March 1983, the Senate held a very unusual 2-hour colloquy after the report of the Commission was submitted to the Congress for review. What I remember Senator Moynihan saying on the floor of the Congress was that he quoted Edmond Blake; he said "that all that needs to be done for men of ill-will to succeed, is for men of good will to take no action."

I think it is important that everyone has an opportunity to allow people of good will to move forward.

I have a personal matter that I did not plan to bring before you, but when I heard some of the allegations—with your indulgence, I will take 30 seconds to bring this to your attention.

I served in an elite parachute unit in World War II; I was 34 months in the Pacific fighting the Imperial Japanese. I came back after the war—no, before the war, excuse me—with a purple heart, a combat infantryman's badge, a Presidential Unit Citation and was one of 10 men left in my company of the original 120 who went overseas. Last year, that organization which gets together very frequently—well, frequently for us—passed a resolution and, out of fairness to my fellows in arms, I asked for this deviation from my testimony. This is a resolution passed unanimously by the survivors of the 503d Parachute Unit.

In it, we say,

> We belatedly express the formal recognition to our fellow Japanese-American paratroopers and those who fought so valiantly in other military units for the special contribution made by them in the successful prosecution of World War II. Further, we acknowledge the patriotic sacrifices made by their families in sending their sons and husbands from behind barbed wire enclosures to fight, bleed and die for their country.

May I request an exception to your policy and request that this resolution be included in my testimony?

Senator **STEVENS**. We will be happy to include it with your testimony.[8]

Mr. **HERZIG**. Thank you very much, sir.

My last point is that unsubstantiated allegations, assumptions and suspicions about an ethnic minority, then as now, provide fertile ground for discriminatory action. Ethnicity must not be equated with loyalty. That is clearly set forth in the findings of the Commission report based on concrete facts, substantial testimony and sound research. Mr. Lowman's claim and some of the other claims that I have heard here today that the Government was justified in doubting the loyalty of Japanese-Americans based on MAGIC or rumors, and his charges that the Commission was ignorant of the intercept messages, are refuted by authoritative documentation in this analysis. His conclusions lack factual support.

My last statement. I was not a newspaper reporter in World War II. I think that this kind of resolution displays that we band of brothers could tell the difference between loyal Americans and members of the Imperial Japanese forces. It is a sad commentary then, as now, that there are people who cannot recognize the difference between them and us.

Thank you very much, Senator. I appreciate greatly this opportunity.

Senator **STEVENS**. Thank you, Mr. Herzig. I appreciate your appearance here today.

[The prepared statement of Mr. Herzig and the resolution referred to follows:]

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[8] See p. 516.

JAPANESE AMERICANS AND "MAGIC"

Statement of Lt. Col. John A. Herzig, U.S. Army (Ret.)

for presentation before the
Committee on Governmental Affairs
Subcommittee on Civil Service, Post Office, and General Services
Chairman, Senator Ted Stevens

Hearing on S.2116 introduced on November 17, 1983
"To accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians"

Los Angeles, California
August 16, 1984

ABOUT THE AUTHOR

John A. Herzig is a former Regular Army counter-intelligence officer who served in that capacity in the Far East, in the Office of the Assistant Chief of Staff for Intelligence, G-2, Department of the Army, and in Germany. He rose through the ranks from private to the grade of Lieutenant Colonel.

He served for 34 months, from 1942-1945, as a paratrooper in the Southwest Pacific Theatre. His unit made three combat jumps, the last of which was to retake the island fortress of Corregidor, where it earned a Presidential Unit Citation. His awards include the Combat Infantryman's Badge, the Bronze Star, the Purple Heart, the Army Meritorious Unit Citation, the Navy Unit Citation, the Philippine Presidential Unit Citation, and the Senior Parachutist's Badge.

Col. Herzig was awarded The Certificate of Achievement "for outstanding service... with Policy and Special Actions Branch, Security Division, Office of the Assistant Chief of Staff, Intelligence, Department of the Army. In his capacity as Intelligence Staff Officer, he rendered extremely valuable contributions to the Department of the Army counterintelligence program, [and] participated in a superior manner in the development of expanded concepts of departmental responsibilities in the field of counterintelligence. As a result of thorough study and keen analysis of historical counterintelligence organizations, as well as existing organizations in other executive departments of the Government, he aided materially in the more effective reorganization of the counterintelligence effort in Headquarters, Department of the Army. His broad background and experience in the field of counterintelligence enabled him to work on and contribute to the solution of highly complex problems of a policy nature in this field." -- Robert A. Schow, Major General, Assistant Chief of Staff, Intelligence.

He has served as consultant to writers and organizations concerned with the history of the forced exclusion and imprisonment of persons of Japanese ancestry from the west coast during World War II. He is a Senior Associate of the Conflict Analysis Center, a private research and education organization based in Washington, D.C.

INTRODUCTION

Charged with the investigation of whether or not a wrong was committed by the United States government, the Commission on Wartime Relocation and Internment of Civilians, after two years of research and hearing testimony from approximately 750 persons, found that racial prejudice, war hysteria, and lack of political leadership resulted in the exclusion and detention by this government of persons of Japanese ancestry who resided on the west coast of this nation in early 1942. Mr. David D. Lowman opposes that view and concludes that MAGIC, the intercepted cables to and from Tokyo, provides evidence which justified the action perpetrated against the Nikkei (American citizens of Japanese descent and permanent Japanese resident aliens residing in America).

Conclusions reached by Mr. Lowman are in direct conflict with scholarly works by two generations of historians, by statements of government officials, and by the Commission. A detailed analysis of Mr. Lowman's position and a review of sources he cited as authority for his statement before a House committee on June 27, 1984 are herewith undertaken.

Nations, since time immemorial, have always engaged in the collection of information about real and potential enemies and, oftentimes, even their allies, through a variety of methods. What is called **open**, or overt, collection of information is the most widely-used method. It is no secret that naval attaches, for example, observe their host country's maneuvers, visit their shipyards, identify their officers, read their professional journals and naval industrial publications, sail through their harbors, and engage in various **overt** activities to collect information about the other's navy and its supporting elements. In fact, there are attaches of all kinds -- military, air, economic, cultural, agricultural -- all collecting data in their areas of specialization. They are not spies. Their actions are in the **open** and accepted as official. The military attache may not wear his uniform everywhere but he does not attempt to pass himself off as a newspaper reporter, a telephone repairman, or an historian doing research. These persons who operate in the open are gathering intelligence and the data they collect is not through espionage.

There is a variety of technical means of collecting data. MAGIC was one which involved deciphering the coded message of another country. Other forms include analysis of non-coded transmissions which may require only translation, and others, such as radio traffic analysis that seek to determine where and which potential enemy ships and forces may be without emphasis on the contents of the message, by analyzing their frequency, duration, source location, key identifiers, and so on. These are methods of collecting data for subsequent analysis and evaluation in light of other information available on the subject, resulting in the production of **finished intelligence.** This then is disseminated to those officials who need the intelligence on which to plan and act. Intelligence professionals are extremely careful not to misuse the term **intelligence information** with **finished intelligence**, which is a product of analysis and evaluation.

Espionage is another means used to collect information. Webster's New Collegiate dictionary defines it as "the practice of spying or the use of spies to obtain plans and activities, especially of a foreign government or industry (industrial)." The Manual of Court Martial Pursuant to E.O. 10214 describes spying as "...a clandestine dissemination of the true object sought .... deceptive insinuation .... acting clandestinely or under false pretenses .... obtaining or endeavoring to obtain, information with intent to communicate it to the enemy" (See Exhibit A).

This somewhat pedantic explanation is necessary to warn the reader of Mr. Lowman's misleading use of the word **espionage** when, in fact, what he is referring to is information of an intelligence nature.

This paper will provide insight into Mr. Lowman's statement through an analytical review of the MAGIC cables he cites, scrutiny of primary and secondary sources to which he refers, examination of the testimony of wartime and present government officials who testified before the Commission, and review of statements and writings by various authorities and noted historians concerning this subject.

This project was undertaken for the benefit of members of the Congress in order to set Mr. Lowman's testimony in an accurate context, and for those officials and private citizens who are concerned with the wartime decision that changed forever the lives of Japanese Americans.

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PART I

Statement and Testimony of Government Officials Personally Involved in the Japanese American Exclusion and Detention Program

David D. Lowman has claimed that the interception of the MAGIC cables provided a rational ground for the exclusion from the West Coast and subsequent detention of more than 110,000 Japanese Americans and that the Commission on Wartime Relocation did not adequately take account of this. First, there is extensive documentation of the decision to exclude and to detain, and no persuasive showing has been made from the documents that the MAGIC cables were given any weight in making that decision. Equally importantly, the Commissioners repeatedly asked surviving witnesses involved in the decisions what the basis for the alleged threat of espionage and sabotage was. Despite reference to the MAGIC cables in other contexts, none of the witnesses even suggested that MAGIC played a role in those decisions. One government witness stated that Attorney General Francis Biddle recounted to him a meeting with President Franklin D. Roosevelt concerning this issue; another met face-to-face with the President. The MAGIC cables were not referred to by any of the numerous present or former government witnesses in connection with the removal of the West Coast Nikkei, nor was mention made of any intelligence or counter-intelligence, sanitized from MAGIC or not, of any disloyal act by Japanese Americans.

If MAGIC had been a direct or indirect factor in Executive Order No. 9066[1], that fact would surely have been revealed, if not seized upon, by the witnesses who testified. Furthermore, none of these officials cited one instance of treason, espionage, sabotage, or subversive acts by the Nikkei population.

The following are extracts from transcripts of hearings before the Commission which make this point clear (National Archives, Record Group 220). (The pages cited refer to the page of the witness' testimony.)

Mr. John J. McCloy

Former Assistant Secretary of War

DR. [ARTHUR S.] FLEMMING: ... they [the Japanese] were not dealt with on their merits as individuals.

MR. McCLOY: No, that is true.... (pp. 43-44).

MR. [ANGUS] MACBETH: First, is it in your memory that there were no known cases of actual sabotage from Japanese aliens or Japanese American citizens on the west coast prior to the signing of the executive order?

MR. McCLOY: I can't say -- I don't know whether there were or whether there weren't. There were rumors that there was violence and some espionage, that everybody was reporting in that there were signals from the Coast and they were close enough to watch the convoys. Whether it was espionage or not, I can't say ... there were suspicions and rumors, but that's as far as I can go.

MR. MACBETH: Would it be fair then to say that the decision was made not on the basis of actual events of sabotage or espionage known to the Department, but on the fear of possible future actions, is that right?

MR. McCLOY: Yes, except, of course, the Pearl Harbor attack itself (pp. 45-46).

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[1] The Presidential order under which the War Department ordered the exclusion of the Japanese Americans from the west coast.

MR. MACBETH: But again, to be fair to the history of what happened in Hawaii at the time of Pearl Harbor, there was, in fact, no sabotage or fifth column activity --

MR. McCLOY: Well, there was definitely signalling and spying going on there. It was assumed there were still spies left in Hawaii, because of events there.

MR. MACBETH: And some of the spying for the Japanese had not been by Japanese Americans or Japanese aliens but, in fact, by Caucasians?

MR. McCLOY: I think so, but I'm not familiar with that, it didn't amount to a consideration with us because early on they decided the best way to handle such matters in Hawaii was by martial law (p. 47).[2]

JUSTICE [ARTHUR O.] GOLDBERG: The generals, the admirals, because we had intercepted the Japanese codes and knew exactly --

MR. McCLOY: That is why we won. To some extent we won that with the help of the intercepts.... (p. 57).

[At this point when Justice Goldberg made reference to the intercepted messages, Mr. McCloy did not state that those cables held information as to disloyal acts by Japanese Americans nor that it had any bearing on the decision to force the removal of Nikkei from the west coast.]

SENATOR [EDWARD] BROOKE: Do you have any knowledge of any act of sabotage or espionage on the part of any Japanese Americans in this period we're discussing? ....

MR. McCLOY: I don't believe I can recall any -- I would say espionage, yes; but sabotage, I don't remember any.

SEN. BROOKE: Now, to espionage, you say, yes. Are you at liberty and do you recall what act of espionage --

MR. McCLOY: I just remember seeing reports of -- I think they were naval reports of suspecting spies, maybe no more than suspecting, apprehended or suspected, in terms of trying to observe convoys, or what have you, in the Pacific. There were a lot of reports about this man who was posing as a farmer who was really a spy, and that sort of thing.... After Pearl Harbor we got hundreds of those reports of signaling from the shore, but there was a regular flow of -- when I first came to the War Department I was in intelligence, and I worked for General Sherman Miles, and I saw a lot of reports, and I remember seeing reports of pretty well-authenthicated pieces of espionage. I don't remember anything in there of sabotage (pp. 72-73).

SEN. BROOKE: But I'm speaking now of acts of sabotage by the Japanese American population.

MR. McCLOY: It wasn't a great lot of -- there was talk and rumor about it.

SEN. BROOKE: So it is fair to say then that this decision really was made primarily upon the **potential threat**? [emphasis added]

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[2] On December 15, 1941 Colonel Francis H. Miles, Jr., who was a witness to the Pearl Harbor attack, met with senior Army intelligence staff in Washington for a de-briefing. He stated that, "There was no organized 5th Columnists as far as I know. I talked about that on the plane (trip back from Hawaii) with the Secretary of the Navy. I'd say there was no attempt on the part of 5th Columnists to do anything" (National Archives, Record Group 319).

The Director of Naval Intelligence informed the Secretary of the Navy on February 28, 1942 that the FBI and the Army's Military Intelligence Division (G-2) concurred with the Navy's conclusion that there was no sabotage of any kind during the Pearl Harbor attack (National Archives, Record Group 80).

MR. McCLOY: That's right.

SEN. BROOKE: Rather than on the actual threat.

MR. McCLOY: No question about that (p. 73).

In Mr. McCloy's records in the Archives, there is a "Brief (MID 336.8)" dated December 1, 1941, which reads: ".... Widespread sabotage by the Japanese is not expected.... Identification of dangerous Japanese on West Coast is reasonably complete" (National Archives, Record Group 107).

In 104 pages of testimony Mr. McCloy made no mention of MAGIC in connection with the exclusion and detention of Nikkei. Neither did he present any statement to support Mr. Lowman's claim that information from MAGIC provided evidence that the security of the U.S. from acts of espionage, sabotage, treason, sedition or subversion was threatened by Japanese Americans and, therefore, that their removal was warranted.

Colonel Karl R. Bendetsen

Former Provost Marshal General's Chief of Aliens Division;
Assistant Chief of Staff for Civil Affairs, Western Defense Command & 4th Army,
In charge of the Wartime Civil Control Administration of WDC/4A

Below Lieutenant General John L. DeWitt, Col. Bendetsen was the military officer on the west coast with greatest authority over carrying out the exclusion and detention. He was closely involved with developing and expressing the rationale set forth in Gen. DeWitt's 1943 Report and elsewhere justifying the measures taken against the Japanese Americans.

MR. MACBETH: You said earlier that you knew of no actual cases of sabotage by the Japanese on the West Coast following Pearl Harbor and up to the time of the evacuation. Is that correct?

Col. Bendetsen: To my knowledge I know of none (p. 37).

MR. [DANIEL] LUNGREN: Was there ever any evidence that came to your attention that in fact they [the Japanese] had located around these [military] areas so they could be a threat in fact to military installations?

COL. BENDETSEN: No such thought or knowledge ever came to my knowledge but really, in retrospect, these colonies, so to speak, had been in existence for many, many years on the west coast.... I cannot believe that there is any substance to the fact that a large agricultural establishment that had been there for years producing truck gardening and very importantly, was a deliberate design as far back as 30 or 40 or 50 years or even longer before the Pearl Harbor attack (p. 51).

SEN. BROOKE: But in this case you know of no incidents where there was any act of sabotage or espionage by any Japanese Americans?

COL. BENDETSEN: Not that I know of (p. 70).

Col. Bendetsen's testimony covered 119 pages, as well as a written statement. In none of this material can be found any reference by him to MAGIC directly or indirectly, nor does he indicate the existence of any intelligence which would show that the west coast Nikkei posed a threat to the security of the country.

Colonel Boris T. Pash

Chief, Counter-intelligence Branch, Western Defense Command & 4th Army

Mr. Lowman writes that Gen. DeWitt was aware of the contents of MAGIC cables which Mr. Lowman claims contained information on espionage [by Japanese] in his area. Mr. Lowman states: "... information in them [MAGIC] was passed on to the intelligence people (G-2) in DeWitt's Western Defense Command" (Lowman p. 6). Col. Pash served as Gen. DeWitt's counter-intelligence chief from 1940-1943. He testified before the Commission in San Francisco in August 1981 and never mentioned MAGIC. When Sen. Brooke questioned Col. Pash if he had any information that Japanese Americans were involved in espionage, the Colonel was unable to cite any such instance (p. 36).

Mr. Lowman's statement above is refuted by this testimony of the principal intelligence staff officer for security matters in Gen. DeWitt's command.

Mr. James Rowe

Former Special Assistant to President Roosevelt;
Assistant Attorney General, Department of Justice

MR. ROWE: I remember [Edward J.] Ennis at one time said there was no evidence whatsoever [that there was] sabotage or espionage, and I gather they never did turn up but the rumors were floating around (p. 48). My first meetings with DeWitt were when he said it was nonsense to have evacuation.... Then the hysteria started rising (p. 58). Hoover said this was not necessary.... Naval intelligence said the same thing (p. 60).

SEN. [HUGH] MITCHELL: ...was any Japanese convicted [of spying]?

MR. ROWE: ...I don't think anybody Japanese was indicted. We did indict Germans and Italians and sent them to jail, but I don't think there was any espionage or sabotage by the Japanese, American citizens or aliens, and no one ever proved it (p. 71).

Dr. Milton S. Eisenhower

Director, War Relocation Authority, March-June 1942

Dr. Eisenhower met with President Roosevelt upon his appointment as Director of the War Relocation Authority (WRA), and at that time the President did not mention any threat to the security of the U.S. from Japanese Americans for whom Dr. Eisenhower was to be responsible. In his written testimony to the Commission he quotes Gen. DeWitt as saying: "The fact that nothing has happened so far is...ominous in...the fact that we have had no sporadic attempts at sabotage that there is a control being exercised...." Dr. Eisenhower continues: "In other words, the Japanese Americans and Japanese aliens were now more suspect because they had not committed any acts of sabotage" (p. 12)."

He then states that General Mark Clark and Admiral Harold R. Stark, Chief of Naval Operations, testified in 1942 before a congressional committee and jointly declared "that the West Coast was unduly alarmed and that any chance of a sustained attack or invasion by the Japanese was 'nil'" (Eisenhower testimony p. 16, excerpted from his book, The President is Calling, p. 107).

Dr. Eisenhower wrote to Pres. Roosevelt on April 22, 1943 that, "It is hard for them [the Japanese] to escape a conviction that their plight is due more to racial discrimination, economic motivations, and wartime prejudices than to any real necessity from the military view for evacuation from the West Coast" (FDR Library, OF 4849-WRA).

Mr. Edward J. Ennis

Director, Alien Enemy Control Unit, Department of Justice

MR. ENNIS: ...[Attorney General] Biddle told the President, though not in my presence, but I'm sure he did because I know it was his view, and he was an honorable man -- that he believed there was no factual security basis for the evacuation (p. 140). ...every alien enemy [in Justice Department internment camps, as opposed to WRA relocation centers] was given a hearing, and we decided -- my office decided whether he should be interned, paroled, or released .... we had no trouble with any of the persons, thousands of persons who were released.... (p. 181).

At no time did Mr. Ennis mention MAGIC or any other intelligence that would have indicated disloyalty on the part of Japanese Americans.

General Mark Clark

War Department General Staff Officer;
Commanding General, 5th Army

Gen. Clark, U.S. Army (Ret.) was unable to appear before the Commission; however, he submitted a written statement which was read by Orville C. Shirey, Major (Ret.). The following is quoted from Gen. Clark's statement:

"When it is recalled that many of these Japanese American volunteers for military service had fathers and mothers, brothers and sisters in these so-called detention camps, and when it is realized that the FBI, Navy Intelligence and Army Intelligence today admit **there was not a single case of espionage or sabotage against the United States by any person of Japanese ancestry resident in this country before, during and after December 7, 1941**, I hope and trust that this Commission wil find that a great injustice was done to a very patriotic sector of our population, and that the record of these glorious deeds [by Nisei soliders] will be remembered by the American people" (p. 219) (emphasis added).

Mr. Lowman attached to his statement a memo dated February 12, 1942, signed by Gen. Clark, enclosing an extract from a War College study (Lowman Exhibit 8). In describing this memo, Mr. Lowman claims that Gen. Clark states "...that G-2 has a copy" (Lowman fn. 16), when, in fact, the document clearly reads: "I am sure that the G-2 of the Western Defense Command has all this information...." Gen. Clark **did not say that WDC has a copy.** (See Pash testimony, p. 5.) Mr. Lowman goes into great detail several times in his paper about who had access to the MAGIC cables. His misquote here, among others discussed in this paper, raises serious questions as to the accuracy of his statements.

Other government officials of the time also testified, among whom was Justice Abe Fortas, Under Secretary of the Interior. The War Relocation Authority was in constant communication with Justice Fortas after the agency was transferred to the Department of the Interior. None of them gave any indication of espionage or sabotage on the part of the Japanese Americans.

PART II

Testimony of Present Government Officials

Representatives of the Departments of the Army (formerly War Department), Navy, State, and Justice stated to the Commission their respective agencies' official position on the "evacuation." Not one of them connected MAGIC or any other form of intelligence or counter-intelligence, sanitized or not, to the exclusion program of Japanese from the west coast during World War II.

Given that access to MAGIC material has been available since the days of the Truman Administration, if the intercepted cables were considered a factor in the removal of the Japanese Americans it would have been included in the official history. The Center of Military History published an account, in approximately 75 volumes, of the U.S. Army in World War II. The volume entitled, Guarding the United States and its Outposts, published in 1964, contains a chapter on "Japanese Evacuation from the West Coast" (Chpt. V, pp. 115-149). This official government record depicting the entire history of the "evacuation" makes no reference to MAGIC as a factor in the decision to remove these persons.

Dr. Fred Beck

Dr. Beck, Executive of the Historical Services Division, Center of Military History, Department of the Army, appeared before the Commission on July 14, 1981, and his testimony contained no reference to MAGIC or any other intelligence about disloyalty on the part of Japanese Americans.

Dr. David Trask

Dr. Trask, Historian of the Department of State, accompanied by Dr. Neil Petersen, advisor on research, also appeared on July 14, 1981. The State Department was on the select distribution list for MAGIC cables. Dr. Trask stated: "It is an interesting historical sidelight that recently declassified MAGIC intercepts indicate the United States believed that an espionage ring operating out of the Spanish Embassy provided Japan with information during the war" (p. 184).

SEN. BROOKE: Can you document whether the relocation experience did impact adversely upon Americans in Japan?

DR. TRASK: This is a question that obviously has occurred to us; we're going to look further-.... Military intelligence records are an obvious possibility, including the MAGIC intercepts, and we intend to pursue that question (p. 191).

Dr. Trask appeared on June 20, 1984 before the House subcommittee, this time as Chief Historian, U.S. Army Center of Military History. When asked by chairman Sam Hall about MAGIC, this official Army historian stated that that **he had no reason to believe that the contents of MAGIC had an impact on the decision to expel persons of Japanese ancestry from the west coast.**

Mr. C. William Lengacher

Mr. Lengacher, as representative of the Department of Justice, in his testimony before the Commission made no reference to MAGIC or any intelligence or counter-intelligence that would indicate disloyalty of Nikkei on the west coast during this period in question.

Dr. Dean Allard

Dr. Allard, Head of the Operational Archives Branch of the U.S. Naval Historical Center, Department of the Navy, appeared before the Commission on August 6, 1981 and stated: "I should make it clear that the Navy's interest was to guarantee the security of those two military facilities [Terminal Island, California, and Bainbridge Island, Washington]. They did not request that the entire Japanese population be moved from California, or interned, or detained" (pp. 12-13).

This testimony by the Navy's senior civilian historian contradicts Mr. Lowman's assertions that "Admiral Turner, insofar as I have been able to determine, **shared the anxiety of other naval authorities** about the security of West Coast bases and was in favor of evacuation" (Lowman p. 27) (emphasis added); and "On the other hand, supporting evacuation, **or at least not opposing it, were the** Secretary of War, the Army Chief of Staff, the Director of Military Intelligence,[3] the Secretary of the Navy, the Chief of Naval Operations and the Chiefs of Army and Navy Plans...." (Lowman p. 28) (emphasis added); and "Given a vote, ONI [Office of Naval Intelligence] **would undoubtedly have opted for evacuation...**" (Lowman p. 27) (emphasis added).

Dr. Allard continued: "There is a very famous report by a naval officer based at the 11th Naval District here in Southern California, a gentleman by the name of Lieutenant Commander K. D. Ringle, who was an intelligence officer. Lt. Cmdr. Ringle, I should explain, was an expert. He had lived in Japan for three years and was fluent in Japanese and had long been involved in intelligence matters involving the Japanese.

"He was considered to be so well versed in the situation involving the Japanese on the West Coast that he was asked in late January 1942 to prepare a special report for the Chief of Naval Operations. That report made clear that he was opposed to the mass evacuation of the individuals of Japanese ancestry whether they were citizens or not citizens. He noted that there was a degree of hysteria. He did not use that word, but I would interpret he was saying that there was a degree of hysteria on the so-called 'Japanese problem.' Ringle said that the Government's interest and the military's interest was to allow inherent loyalty of the vast majority of individuals of Japanese ancestry to be encouraged in the military as well as the national interest....

"Cmdr. Ringle's report basically concluded that the problem as far as security matters were concerned, should be seen as an individual problem, instead of a mass problem. He said in his report that the people who wanted the mass evacuation were taking a racial approach -- this was the term he used. It was a very perceptive document dated in late January of 1942...." (pp. 13-14).

This testimony from a present Navy official also illuminates the inaccuracy of Mr. Lowman's claim as to why the Commission examines Ringle's opinions: "The Commission relies heavily on him [Ringle] because he is the only Naval intelligence officer of any standing at all that the Commission was able to find who thought mass evacuation was not necessary...." (Lowman p. 25). Given that Cmdr. Ringle was chosen for this special study for the Navy Department as the expert on the Japanese question, Dr. Allard and the Navy's view of the Commander, later to become an Admiral, is at complete variance with Mr. Lowman, who characterizes him as a "minor official" (Lowman p. 26). The Commission, in its four references to Cmdr. Ringle, did not state, as Mr. Lowman charges, that he spoke for the Office of Naval Intelligence (Lowman p. 26).

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[3] There was no Director of Military Intelligence. Mr. Lowman was probably referring to the Assistant Chief for Intelligence (G-2), War Department (Lowman pp. 4, 6 and 28).

PART III

Statements by, or attributed to, key figures involved in the Japanese American exclusion and detention program

If intelligence, counter-intelligence, or MAGIC had been a significant factor in the decision to exclude and detain the west coast Japanese population, it is inconceivable that reference would not have been made to that fact by those high government officials with access to MAGIC such as President Roosevelt, General George C. Marshall,[4] Secretary of War Henry L. Stimson, or those like Attorney General Francis Biddle, who was intimately involved at the time. The memoirs and biographies of these men make no reference to MAGIC or intelligence data as the basis for the exclusion and detention decisions.

Secretary Stimson and McGeorge Bundy collaborated on an autobiographical book covering the years of public service by Mr. Stimson, On Active Service in Peace and War. The "evacuation" is discussed (p. 406) but there is no reference to MAGIC or any intelligence, counter-intelligence or known acts of disloyalty on the part of Japanese Americans. Nor do Secretary Stimson's contemporaneous diaries suggest any reliance on MAGIC.

Had MAGIC cables indicated that Japanese Americans were engaged in subversive activities, it is incredible to think that Army authorities would not have given some indication of this to Attorney General Biddle or to J. Edgar Hoover. The FBI had jurisdiction over espionage, sabotage and subversion investigations inside the United States assigned to it by the President (Delimitations Agreement, National Archives, Record Group 80). At a minimum one would have expected Secretary Stimson to have at least informed Mr. Biddle that there was a basis for the action, the source of which he could not directly reveal. There is no indication that anything of the sort happened. Mr. Biddle is known to have been adamantly opposed to mass exclusion. In his autobiography, In Brief Authority, Mr. Biddle expressed remorse in not having urged the Secretary of War "to resist the pressures of his subordinates" who were clamoring for "evacuation" of the west coast Japanese population. (See Exhibit B for excerpts from his book.)

The role played by Earl Warren, then-Attorney General of California, later Chief Justice of the Supreme Court, is well known to even the most casual reader of the events of the time. In his autobiography, The Memoirs of Chief Justice Earl Warren, he stated: "I have since deeply regretted the removal order and my own testimony advocating it because it was not in keeping with our American concept of freedom and the rights of citizens.... It was wrong to react so impulsively, without positive evidence of disloyalty even though we felt we had a good motive in the security of our state. It demonstrates the cruelty of war when fear, get-tough military psychology, propaganda, and racial antagonism combine with one's responsibility for public security to produce such acts.... Although we had a sizeable Japanese population, neither the young nor the old violated the law" (p. 149).

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[4] Mr. Lowman refers to Forest C. Pogue's biography, George C. Marshall, Organizer of Victory, 1943-1945 (Lowman fn. 73). Since Executive Order 9066 was promulgated in 1942, the relevance of Mr. Lowman's particular reference and his noting that Gen. Marshall "...was an old and close friend of DeWitt" hardly bears on the central issue of the loyalty of Japanese Americans.

PART IV

Analysis of Statement by Mr. Lowman

This section examines the MAGIC messages quoted by Mr. Lowman, analyzes his claims and reviews his primary and secondary sources.

Mr. Lowman refers to 47 MAGIC cables to support his thesis that the Commission was ignorant of this source of data which, he claims, shows that the Nikkei were disloyal. Analysis of each of those 47 messages shows that the Commission was correct in its conclusion that there was no information in the MAGIC cables to prove that Japanese Americans or permanent resident Japanese aliens committed disloyal acts or that they served as the source of information for the Imperial Japanese intelligence effort. Mr. Lowman is not able to cite any example to prove otherwise.

He has extracted highly selected portions from documents or books which, when quoted in full, support the Commission's findings. His failure to include the complete contents of these quotations damages his credibility. Not one of the secondary sources Mr. Lowman has used establishes any connection between MAGIC and the Japanese relocation and internment.

Mr. Lowman repeatedly refers to "espionage" messages (Lowman pp. 6, 8, 16, 17). As pointed out earlier, espionage is a means to collect information. When he refers to an "espionage nugget" (Lowman p. 17), he is misleading the reader. It may have been a nugget of importance, but the means of collecting such raw data would have to be analyzed to determine if it was indeed an "espionage nugget;" for example, the information obtained by a German agent that the U.S. had broken the Japanese diplomatic code was certainly an espionage coup (p. 13).

The contents of MAGIC messages #428 and #429 (Lowman fn. 49), which Mr. Lowman uses to support his "espionage nugget" statement, make no mention whatsoever of espionage. These messages list aircraft companies such as Douglas, Lockheed and North American; amounts of their orders, ranging from $540,000 to $491,000,000; numbers of employees and their total payroll, and types of planes being built. That information could have come from a prospectus for promoting stock in the company, from a contract, or from a paper or journal. And, indeed, a comparison of those two MAGIC messages with two newspaper articles which appeared a few days before the date of the MAGIC messages (See Exhibits C, D & E), shows a remarkable resemblance to the cables sent to Tokyo. The newspaper stories give detailed information on costs of contracts obtained by various aircraft manufacturers, the types of planes to be produced, and the payroll and number of employees at each company -- essentially the same information sent to Japan in MAGIC messages #428 and #429.

To classify information obtainable through newspapers as "espionage nuggets," as Mr. Lowman has done, points out the danger of a single-perspective approach to a complex subject. Clearly, this intelligence information contained in these MAGIC messages did not require an espionage operation. Rather than having to smuggle a spy with Asian features into an aircraft factory, the same kind of data was collectible by any reader of the newspapers.

Mr. Lowman declares that the reason he can find no names of Japanese Americans in the MAGIC cables is that such information would normally have been sent by courier mail and that this "particularly sensitive subject matter" was among that which the Japanese Foreign Minister directed should not be sent by code (Lowman p. 7). He subsequently states it more boldly, "...never give out an agent's name if it can be avoided" (Lowman p. 16). Yet he quotes from intercepted cables in which specific names are given: "...use Rafael Munas for purposes of interception" (Lowman fn. 42, Message #384); "The Lt. Cmdr. Okada mentioned in the message was in charge of espionage in San Francisco, Seattle, and Dutch Harbor. Cmdr. Tachibana was in the Los Angeles area" (Lowman fn. 39); and "...Secretary Terazaki to be in charge of coordinating Japanese intelligence...." (Lowman p. 11). Mr. Lowman's statement is thus contradicted by the MAGIC cables he cites in the course of illustrating **some other point.**

In a further attempt to excuse the absence of names of Japanese Americans in the MAGIC cables, he asserts that sensitive information would be cheaper to send by diplomatic pouch (Lowman p. 4). Mr. Lowman's Exhibit 5, MAGIC message #299, is a cable from Seattle to Tokyo. It reports that two Soviet planes arrived at the Sand Point Navy airfield "on the 4th" and that "the party is putting up at a hotel in the city." The September 5, 1941 edition of the Los Angeles Times contains an article which states that two Russian flying boats landed at the Sand Point Naval Air Station on September 4th. Its last sentence mentions that the Russians "...then went to downtown hotels" (compare Exhibits F & G). Mr. Lowman's claim that to send sensitive information via courier was cheaper is highly implausible when we know that MAGIC was used even to transmit newspaper articles.

His overstatement of the contents of MAGIC cables is demonstrated in the way he describes a message which, he says, mentions "local Japanese recruited in Panama for espionage" (Lowman p. 17 fn. 48). An examination of that cable reveals that it is a request for funds (some $275.00 for the year) to pay for espionage activities in Panama. The word **Japanese** or any names of Japanese persons do not appear in the true text of this cable. Since no indication of a successful espionage effort is contained in the MAGIC message, Mr. Lowman resorts to manufacturing one.

In an attempt to dispute the findings and reverse the opinion of every knowledgeable official and historic treatment of the "evacuation," he fails to show any mention of Nisei or of "second generations" in all but four of the references he has chosen. Two messages, to which he refers for a total of ten times, **originated from Tokyo** (Lowman Exhibits 1 & 3, Messages #119 and #131). Message #119 mentions "second generations" who are among those groups **to be contacted,** not from whom data has been obtained. This Tokyo message also requests its officials in the U.S. to use "...U.S. citizens of foreign extraction (except Japanese), aliens (other than Japanese), communists, Negroes, labor union members and anti-Semites." Mr. Lowman's use of this request **from** Imperial Japan **to** its diplomatic officials as a demonstration that espionage or sabotage had actually taken place defies logic.

The third MAGIC message to which Mr. Lowman refers five times (Message #174, Lowman Exhibit 4) is from the Japanese consulate in Los Angeles to Tokyo. It mentions "second generations" and needs to be examined in context. The opening sentence states: "We are doing everything in our power to establish outside contacts in connection with our effort to gather intelligence material." It will be noted that the message reads: "...doing everything in our power," rather than this is what we have done." Also, it reads: "our effort," and not our achievement. It goes on, "**We plan to ... we hope to** [make] contacts with reliable Japanese...."

It continues: "We shall maintain connection with our second generations who are at present in the U.S. Army to keep us informed of various developments in the Army." This message carefully avoids saying that there is any information being received at the time or that any information had previously been received from these "second generations." Mr. Lowman has cautiously so stated this: "...agents **were to be** recruited. The agents **were to include** both resident Japanese aliens and American citizens of Japanese ancestry as well as members of other ethnic groups" (Lowman p. 11) (emphasis added).

The same ambiguous phrasing is employed in the cable's only other reference to Japanese Americans: "We also have connections with our second generations working in airplane plants for intelligence purposes." The obvious question that a professional intelligence officer would ask is, "Those are very optimistic statements, but are there any productive sources who have provided one valuable report, or any report at all, based on that statement?" One must conclude that if any such messages were among the thousands of cables, Mr. Lowman would have shown it. That he was unable to produce even one speaks for itself.

The two other MAGIC cables in which "second generations" are mentioned are a MAGIC message (Lowman fn. 29) from the Chicago Japanese Consulate reporting census data on Japanese nationals and Nisei in the Chicago area, which is hardly secret data, and MAGIC message #175 from the Japanese Seattle office, which reflects aspiration on the part of the Consulate, rather than subversion by Japanese Americans: "For the future, we have made arrangements to collect intelligence from second generation Japanese...." (emphasis added).

Mr. Lowman attempts to overwhelm the layreader with references to and sheer numbers of MAGIC cables that he cites. His reference to MAGIC messages are all taken from the eight-volume publication of the Department of Defense, The "MAGIC" Background of Pearl Harbor, issued by the Government Printing Office in 1977. These volumes contain some 2000 numbered messages from which Mr. Lowman has selected 47, which he considers basic to his contention that the Commission's report contains "demonstratively wrong statements and erroneous impressions and conclusions" (Lowman p. 2).

Other cables referred to by Mr. Lowman are intelligence requests that Tokyo made to its officials throughout the world, and their replies. There is no argument that Imperial Japan was attempting to collect as much information as it could from all available sources about its potential enemies. Again and again, Mr. Lowman strives to connect actions taken by the Imperial Japanese Government and its offices and agents as evidence of disloyalty by Japanese Americans in order to justify the Japanese exclusion and detention program. It is this type of reaction that blamed the peaceful Japanese communities in California for the Imperial Japanese Navy's attack on Pearl Harbor. Today there are those in responsible positions who still do not separate the actions of Imperial Japan from the Japanese Americans, who had no more to do with Pearl Harbor than Italian Americans had to do with Mussolini's planes dropping poison gas on Ethiopians, or than German Americans had to do with Hitler's death camps.

Mr. Lowman's first footnote demonstrates his use of statements by recognized intelligence experts in which he omits crucial portions, thereby misleading the reader. His reference to Pearl Harbor: Warning and Decision, by Roberta Wohlstetter, exemplifies this. Wohlstetter does recognize the value of MAGIC "...for predicting Japanese moves." She states clearly a requirement that Mr. Lowman himself ignores, but that the Commission adhered to: "...to make good use of secret signals, the recipient must first be able to observe and analyze public information. Indeed, in comparing the top secret intelligence evaluations of enemy intentions with estimates in the contemporary press, one is struck with the relative soundness of the less privileged judgments.... Even MAGIC was not magical in its properties...." (Wohlstetter p. 169). Mr. Lowman calls attention (Lowman fn. 2) to Wohlstetter's reference to the usefulness of MAGIC in showing the status of diplomatic negotiations taking place in Washington prior to Pearl Harbor (Wohlstetter p. 285). This may be of interest but hardly of value to his stated theme -- "MAGIC and the Japanese American Internment." His footnote 5 refers again to Wohlstetter: "He [Capt. T. S. Wilkinson, head of ONI] learned about American policy in the Far East primarily from newspapers and from reading MAGIC" (Wohlstetter p. 316).

Nowhere in Wohlstetter's book is reference made to espionage, sabotage, fifth column activities or other subversive acts by Japanese Americans.

To support his observation that the Commission's report attributes too much authority to ONI, Mr. Lowman quotes Samuel E. Morison from The Rising Sun in the Pacific: 1931-April 1942, that ONI "did a thorough job of gathering intelligence about the enemy; but it was not allowed to evaluate, much less to disseminate, the information so gathered" (Lowman p. 26 fn. 67). Yet Wohlstetter (pp. 31, 34 & 76) states that ONI reports had been disseminated to Admiral Kimmel's staff in Hawaii. Mr. Lowman attaches the first two pages (Lowman Exhibit 10-11) of the 26-page report by the ONI written three days before Pearl Harbor. Page 26, which was not a part of his exhibit, shows that the report was disseminated to "All Naval Districts, FBI, COI, State." He then gives another example of dissemination of ONI intelligence by the Army: "On 21 January 1942, more than six weeks after Pearl Harbor, army intelligence, with ONI input, issued a bulletin...." (Lowman p. 30) (emphasis added). Issued means disseminated.

Mr. Lowman has not thoroughly researched the issue of distribution of MAGIC. On page 4 he states that MAGIC was restricted to ten officials. Yet Mr. McCloy, whose name was not on the distribution list, testified before the House committee that he also had access to those cables. Robert Sherwood, in Roosevelt and Hopkins, makes it clear that Harry Hopkins was present when Pres. Roosevelt received his copy of the 13-part MAGIC message on December 6, 1941. Mr. Hopkins was also not on the distribution list for MAGIC cables. Although Mr. Lowman fails to mention it, one of the reasons that the Army stopped sending MAGIC to Pres. Roosevelt in the spring of 1941 was that a copy of this material had been found in a waste basket of the White House.

Although Mr. Lowman cites Ladislas Farago's study, The Broken Seal: The Story of "Operation Magic" and the Pearl Harbor Disaster, he fails to mention another of Farago's books, The Game of the Foxes: The Untold Story of German Espionage in the United States and Great Britain during World War II, which gives the following account of MAGIC distribution: "...Mr. Hull violated this [security] restriction. He shared the MAGICs with at least six of his closest associates. They in turn let four lower-ranking officials in the Far Eastern Division see them ... the Secretary's office had certain important cables run off on a mimeograph machine by an employee who had not been cleared even for restricted documents, much less for the MAGICs" (p. 603). Farago then gives details on how a Nazi agent obtained and sent to Berlin information that U.S. "cryptologists had succeeded in compromising the highest-grade Japanese diplomatic cryptosystem based on a supposedly unbreakable cipher machine called the B-machine," and this American code-breaking operation was called MAGIC (p. 602). Tokyo was informed of this but did not believe it and, other than some warnings to be more security-conscious, continued to use this same channel of communication. Nevertheless, the success in securing this intelligence information was indeed an "espionage nugget;" i.e., valuable data collected through clandestine means.

Major General Sherman Miles, Assistant Chief of Staff for Intelligence, G-2, War Department, in his testimony before the Joint Committee on the Pearl Harbor Attack (Part 35, p. 101, Clausen) added names of three more persons who had access to MAGIC cables. A reader of Mr. Lowman's paper could question whether all this material on access to MAGIC was more to impress rather than inform, and how much of it was germane to his stated subject. His statement about restriction to MAGIC is more theoretical than actual. He states, at one point, that the information was kept in a "tight circle" (Lowman p. 6), but later on he says that the information did go out in a way that would not disclose its origin. As referred to above, he includes only the first two pages of an ONI document, dated December 4, 1941, as an example. The conclusion of that report reads: "...in anticipation of a possible crisis, the FBI is prepared to take into custody and detain all persons whose activities are inimical to the best interests of the United States" (see Exhibit H). The readiness on the part of the top U.S. law enforcement agency expressed here was publicized in an announcement on November 12, 1941 by Attorney General Biddle that a program capable of immediate implementation to cope with aliens of any nation "in time of friction" had been drawn up between the War and Justice Departments (New York Times, November 13, 1941).

Another reason that Mr. Lowman may not have included the entire ONI document is that it covers much more than he would have the reader believe from merely reading the first two pages. The report mentions Nazi, Russian and Italian intelligence operations in the Western Hemisphere, Germany/Japan collaboration, relations with Negroes, the Spanish Falangists, the fascist Silver Shirts, labor unions, military conscription in Japan, and expenditures, among numerous other intelligence items.

Mr. Lowman goes on to state that, "Some of the statements attributed to DeWitt which distressed the Commission so much because there seemed to be no supporting evidence were based on intelligence of which the Commission was unaware" (Lowman p. 6). Yet he presents no evidence that Gen. DeWitt received any such information. Moreover, the General's own counter-intelligence chief, Col. Pash, testified clearly before the Commission that there was no such information, **sanitized** or otherwise, in the Western Defense Command (see p. 5).

Gordon W. Prange, in At Dawn We Slept: The Untold Story of Pearl Harbor, is quoted by Mr. Lowman as the authority for naming, again, the select group of persons who were authorized access to MAGIC (Lowman p. 4 fn. 8). However, he fails to include Prange's statement listing Pres. Roosevelt's military aide, Major General Edwin M. Watson, Under Secretary of State Sumner Welles, and **a few others** (Prange p. 86) (emphasis added).

Mr. Lowman's other reference to Prange is used in recounting messages about the Second Secretary of the Imperial Japanese Consulate and their Chief of Intelligence in the Western Hemisphere being sent to South America (Lowman p. 23 fn. 62). Mr. Lowman's gratuitous comment, "Ominous words indeed," appearing in his discussion of MAGIC and Latin America (Lowman pp. 20-23), are hardly relevant to the central theme of his topic, MAGIC and the decision to expel the Japanese Americans. That comment, however, does illustrate his use of impressions as a substitute for facts.

Mr. Lowman makes the following observation: "Admiral Turner, insofar as I have been able to determine, shared the anxiety of other naval authorities about the security of West Coast bases and was in favor of evacuation" (Lowman p. 27) (emphasis added). His annotation to this statement is a reference to correspondence with Professor Jeffrey M. Dorwart (no further identification), who agrees with him that Adm. Stark, Adm. Turner and Chief of ONI Adm. Wilkinson "all probably supported the official position which was evacuation although as yet this cannot be documented" (Lowman fn. 68) (emphasis added). Dr. Dean Allard, of the U.S. Naval Historical Center, gave testimony before the Commission and stated unequivocally that the Navy **did not** take a position on "evacuation" (see p. 8). This statement and the remaining testimony by Dr. Allard completely contradict Mr. Lowman on the issue of the Navy's position (Lowman pp. 26 & 27). (See Adm. Stark's position on p. 5.)

On page 9 of his testimony Mr. Lowman includes another vague and misleading statement that he will confine his "discussion to instances which directly involve, or **might involve**, resident Japanese nationals and Americans of Japanese ancestry" (emphasis added).

His lengthy recounting of messages from Tokyo about Mexico, Panama, Latin and South America are used to support another of his declarations that Tokyo "**seemed to assume** on the part of the Japanese government that most Japanese, regardless of their status, would remain loyal to the Homeland and the Emperor, **had to be** reviewed with great apprehension by the recipients of MAGIC" (Lowman pp. 13-14). Again, none of these sources, quotations and references of Mr. Lowman challenges or mentions the loyalty of Japanese Americans on the west coast. Instead, he continues to equate words and actions of Japan's militarists and diplomats to those of Americans of Japanese descent.

Another reference (Lowman fn. 52) attempting a connection between MAGIC and the "evacuation" is made by Mr. Lowman, who calls attention to page 211 of John Costello's book, The Pacific War. He fails to include Mr. Costello's important statement on the very next page -- the only mention made of Japanese Americans in the book -- in which Mr. Costello does refer to them as victims of Executive Order 9066, "[which] enabled the military to start to round up 120,000 **innocent** Japanese Americans" (Costello p. 212) (emphasis added).

On page 21 of his section on Latin America, Mr. Lowman borrows from page 125 of Ronald Lewin's, The American Magic: "That the whole continent was riddled with Nazi (and Japanese) agents and sympathizers, and had been since long before Pearl Harbor, was well known to the U.S. security authorities...." However, Mr. Lowman omitted the following five important words at the end of the phrase, "and particularly to the FBI." This omission, coupled with his remark that, "Even J. Edgar Hoover was not on the distribution...." (Lowman p. 28), denigrates the role that the FBI played in the internal security of the U.S. from espionage, sabotage and treason, and offers again that MAGIC was a key factor in the "evacuation."

Mr. Lowman refers in his footnote 2 to David Kahn's book, The Codebreakers, as another authority for statements on the restricted access to MAGIC (Lowman fns. 8 & 9). He fails to quote Kahn's story of the State Department losing MAGIC message #9 (Kahn p. 26), and the finding of another MAGIC cable in a waste basket in the White House. He also neglects to mention Kahn's Chapter 16, "Censors, Scramblers and Spies," in which nothing is said of espionage or sabotage by Japanese Americans.

These examples of Mr. Lowman's failure to produce the entire context can be seen as distortion of the original author's intent through manipulation of highly selective passages.

Footnote 14 of Mr. Lowman's written testimony also refers to Lewin, who states that many of the actions taken by the U.S. prior to and during the war were based on MAGIC (Lewin p. 57). Lewin writes about covert operations of Imperial Japan and cites a MAGIC intercept of July 11, 1942, from the Japanese ambassador in Madrid: "In connection with the matter of the spy activities in the United States," he informed Tokyo, "through the good offices of Foreign Minister Suner we are now, in strictest secrecy, in touch with the chief of the Falangist branches in New York and Washington. We are communicating through the telegrams and mail of the Spanish Embassy and Consulate-General" (Lewin pp. 239-40). Here is another authority who makes no reference to disloyal acts by Japanese Americans, although Mr. Lowman attempts to enlist Lewin in his desperate campaign to impugn the Commission.

Mr. Lowman has obviously not reviewed the records and hearing transcripts of the Commission, even while attempting to discredit its report. If he had, he could not have stated that, "No mention is made of MAGIC because the Commission was unaware of it" (Lowman p. 24). The record shows that the Commission was aware of MAGIC but that there was no connection between MAGIC and the decision concerning the loyalty of Japanese Americans. That finding is still valid.

CONCLUSION

Officials responsible for implementation of Executive Order 9066 presented testimony before the Commission on Wartime Relocation and Internment of Civilians. They gave no indication that MAGIC was a consideration in the decision to exclude and incarcerate the Japanese population from the west coast in 1942. When MAGIC cables were discussed at the Commission hearings, it was not related to the loyalty of Japanese Americans.

Neither intelligence or counter-intelligence reports nor MAGIC cables contained evidence of espionage, sabotage, sedition, fifth column activities or any other subversive acts on the part of Japanese Americans. These facts, attested to by civilian and government historians, by witnesses representing the Departments of the Army, Navy, State, and Justice who testified before the Commission, and supported by extensive research conducted by the Commission, is in direct contradiction to David Lowman's judgment that information contained in the MAGIC cables was a factor in the removal and imprisonment of the Japanese Americans. Documents by and about key decision-makers of the time make no mention of evidence of any intelligence that reflected on the loyalty of this group. These documents support the position of the Commission that non-military and non-security considerations provided motivation for the Executive Order.

A review of each of the MAGIC messages cited and commented upon by Mr. Lowman reveals his overstatements and misinterpretations of the contents of those messages. His assumptions that orders from Tokyo represented actual accomplishments by Japanese consulates to engage Japanese Americans in espionage activities, and his practice of confusing **plans contemplated** with **actions completed** skew his judgment. His failure to look beyond the narrow confines of MAGIC messages, even to local newspapers of that period, reveals the danger of a one-perspective approach to a complex subject.

Mr. Lowman's use of incomplete quotations from secondary sources raises grave doubts as to the validity of his testimony. His attack on the motivation of the Commission, in addition to its findings, reveals his loss of objectivity. His effort to connect the Japanese Americans and long-time Japanese resident aliens of this country with activities of the Imperial Japanese government fails. His logic is based on non-sequitors which are misleading to the reader.

His motivation is, of course, not the subject of this study. One could question why Mr. Lowman failed to contact the Commission to impart his views during what he says is its "three years of research" (Lowman p. 32), but then made his views known through the public media, initially in a New York newspaper, rather than to the Commission. Although he says that the Commission was "stung by several newspaper articles" (Lowman p. 32), those stories were based on his charges alone, no one else's. Those who knew about MAGIC or had access to it have not linked the cables to the "evacuation," and wisely so, because there was no confirmation of disloyal acts on the part of Japanese Americans. One could also wonder how such incomplete documentation and unsubstantiated "intelligence" presented by Mr. Lowman could serve as the basis for his conclusions which are contradicted by all evidence, including that which he uses.

While MAGIC was a valuable source of information, it was subject to shortcomings. Wohlstetter cites two serious errors in the translation of the crucial December 7, 1941, 14-paragraph message from Tokyo. The original U.S. Navy translation read:

"Relations between Japan and England are not in accordance with expectations."

It should have read:

"Relations between Japan and England and the United States are on the brink of catastrophe."

(Roberta Wohlstetter, Pearl Harbor: Warning and Decision. Calif.: Stanford University Press, 1962. Pp. 224-25.) (correct translation underscored)

The danger of using only one source of intelligence information was recognized by Col. Alfred McCormack, who had been recruited from civilian life in January 1942 by John J. McCloy, Assistant Secretary of War, to organize the cryptographic program due to the increase in MAGIC cable traffic. Col. McCormack, who served as special assistant to Secretary of War Henry L. Stimson, wrote: "I disagreed with the method that was adopted for reporting the intercept material which was to take what looked interesting and pass it along in paraphrased form without any attempt to check or evaluate the information or to supplement it with collateral intelligence.... [Those] to whom the reports were made were entitled to have every item carefully checked, evaluated and supplemented by all possible sources of intelligence" (National Archives, Record Group 457). That is is what this paper has attempted to accomplish by presenting a more comprehensive and broader-based perspective of MAGIC and the forced exclusion of Japanese Americans.

There are several larger issues for the serious student of these wartime days. The Commission in its report, Personal Justice Denied, treats one of these in Chapter 12, "Germans and German Americans." In 1941 and 1942 beaches on the east coast of America were awash with oil and debris from Allied ships sunk by Nazi submarines. American Nazis were drilling in the streets of New York City and assaulting Jews in the subways; they had their own training camps in rural areas and operated their own amateur radio stations (Exhibit I, Los Angeles Times, September 17, 1941). Why was no serious question raised as to the danger of "fifth column activities" of the 20,000-member German American Bund, or of "evacuating" alien enemies of all Axis countries with whom we were at war from the vicinity of our seaports and military installations on the east coast?

Ninety-one persons were convicted of spying in the U.S. during 1938-45 -- 64 of whom were American citizens (Don Whitehead, The FBI Story, p. 193). Not one of these 64 was a Japanese American. Another question yet to be considered is this: Suppose one case of espionage by a Japanese American had been found, or ten cases, or a hundred -- would that have provided reason to incarcerate 1,000 times that number of innocent persons? That is the theory of retribution practiced by the Nazis in areas they occupied.

There is a tendency to look for a scapegoat for every nation's problems. This is exemplified in the treatment of the Japanese Americans who, merely on the basis of rumors, fears and uncorroborated "intelligence," were discriminated against because of actions of Imperial Japan. Had the same standards been applied to Italian and German Americans, a huge number of them would have suffered a similar fate. Among them would have been General Walter Krueger, one of MacArthur's senior commanders, a German-born, naturalized American citizen, and Mayor Fiorello LaGuardia of New York City and Joe DiMaggio, both of whom were Italian "second generations," along with a countless number of the country's top social, political, and military leaders.

Unsubstantiated allegations, assumptions and suspicions about an ethnic minority, then as now, provide fertile grounds for discriminatory action. Ethnicity must not be equated with loyalty. This argument is clearly set forth in the findings of the Commission based on concrete facts, substantial testimony, and sound research.

(Page ii) **Exhibit A**

MANUAL FOR COURTS MARTIAL Pursuant to E.O. 10214

185. ARTICLE 106—SPIES

Discussion.—The words "any person who in time of war" bring within the jurisdiction of courts-martial and military commissions all persons of whatever nationality or status who commit the offense of lurking or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces of the United States, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere.

The principal characteristic of this offense is a clandestine dissimulation of the true object sought, which object is an endeavor to obtain information with the intention of communicating it to the hostile party. Thus members of a military organization not wearing disguise, dispatch drivers, whether members of a military organization or civilians, and persons in ships or aircraft who carry out their missions openly and who have penetrated hostile lines are not to be considered spies, for the reason that, while they may have resorted to concealment, they have practiced no dissimulation.

It is necessary to prove an intent to communicate information to the hostile party. This intent will very readily be inferred on proof of a deceptive insinuation of the accused among our forces, but this inference may be overcome by very clear evidence that the person had come within the lines for a comparatively innocent purpose, as to visit his family or to reach his own lines by assuming a disguise.

It is not essential that the accused obtain the information sought or that he communicate it. The offense is complete with the lurking or dissimulation with intent to accomplish these objects.

A spy who, after rejoining the armed force to which he belongs, is subsequently captured by the enemy incurs no responsibility for his previous acts of espionage.

A person living in occupied territory who, without dissimulation, merely reports what he sees or what he hears through agents to the enemy may be charged under Article 104 with giving intelligence to or communicating with the enemy, but he may not be charged under this article with being a spy.

Proof.—(*a*) That the accused was found at a certain place within our zone of operations, acting clandestinely or under false pretenses; and (*b*) that he was obtaining, or endeavoring to obtain, information with intent to communicate it to the enemy.

186. ARTICLE 107—FALSE OFFICIAL STATEMENTS

Discussion.—Official documents and official statements include all documents and statements made in the line of duty.

(Page 9) Exhibit B

The following are passages taken from an autobiography by U.S. Attorney General Francis Biddle, In Brief Authority, Chapter 13, "Evacuation of the Japanese," pp. 212-226.

[The mass incarceration program] subjected Americans to the shame of being classed as enemies of their native country without any evidence indicating disloyalty. American citizens of Japanese origin were not even handled like aliens of the other enemy nationalities — Germans and Italians — on a selective basis, but as untouchables, a group who could not be trusted and had to be shut up only because they were of Japanese descent.

...the program was ill-advised, unnecessary, and unnecessarily cruel, taking Japanese who were not suspect, and Japanese Americans whose rights were disregarded, from their homes and from their businesses to sit idly in the lonely misery of barracks while the war was being fought in the world beyond.... These men and women of a younger generation, whose birthright was American, and who had lived here all their lives, were deprived of their normal way of living, set apart from other Americans, and forced into camps as potential enemies of their country. Their constitutional rights were the same as those of the men who were responsible for the program: President Roosevelt, Secretary of War Stimson, and the Assistant Secretary of War, John J. McCloy, Lieutenant General John L. DeWitt, commanding officer of the Pacific Coast area, and Colonel Karl Robin Bendetsen of the General Staff....

These historic decisions are made by men, and we must look at the men who brought about this determination to understand it, their background and motives, and particularly the pressures which influenced them.

...If Stimson had stood firm, had insisted, as apparently he suspected, that this wholesale evacuation was needless, the President would have followed his advice. And if, instead of dealing almost exclusively with McCloy and Bendetsen, I had urged the Secretary to resist the pressure of his subordinates, the result might have been different.

Fear is often expressed of the power of the majority in a democracy. This mass evacuation illustrates the influence that a minority, uncurbed and substantially unopposed, can exercise. It shows, too, the power of suggestion which a mystic cliche like "military necessity" can exericse on human beings. Through lack of independent courage and faith in American reality, a superb opportunity was lost by the government in failing to assert the human decencies for which we were fighting. How greatly such an assertion would have contributed to the devotion to the war effort was amply illustrated in our humane and wise treatment of the Italians shortly after the exclusion and quarantine of the Japanese had been finally accomplished.

[Mr. Louman's page 17, ln. 49, Exhibit 7.] (Page 10) Exhibit C

No. 428

FROM: Los Angeles (Nakauchi)
TO: Tokyo

September 16, 1941
184.

Strictly Secret.

(Part 1 of 2.)

An outline of airplane production in the various factories of Southern California (up to date):

a. Orders placed with each company (40% of total orders in the Los Angeles area and 10% centers around San Diego).

Company	*Amt. of Orders*	*Employees*	*Monthly Salaries*
Lockheed	$371,000,000	32,791	$5,287,000
Vega	120,000,000	7,364	1,201,000
Douglas	491,000,000	31,818	4,749,000

(for subsequent data on orders placed in the various factories of Santa Monica, El Segundo and Long Beach, see my # 147*)

Company	*Amt. of Orders*	*Employees*	*Monthly Salaries*
North American	$385,000,000	11,443	$1,976,000
Vulte	86,000,000	9,720	1,579,000
Northrop	49,000,000	2,549	461,000
Consolidated	510,000	2,000	--------

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*Not available.

Trans. 9-24-41

No. 429

FROM: Los Angeles (Nakauchi)
TO: Tokyo

September 16, 1941
No number.

(Part 2 of 2.)

b. Types of craft on order in the various companies:

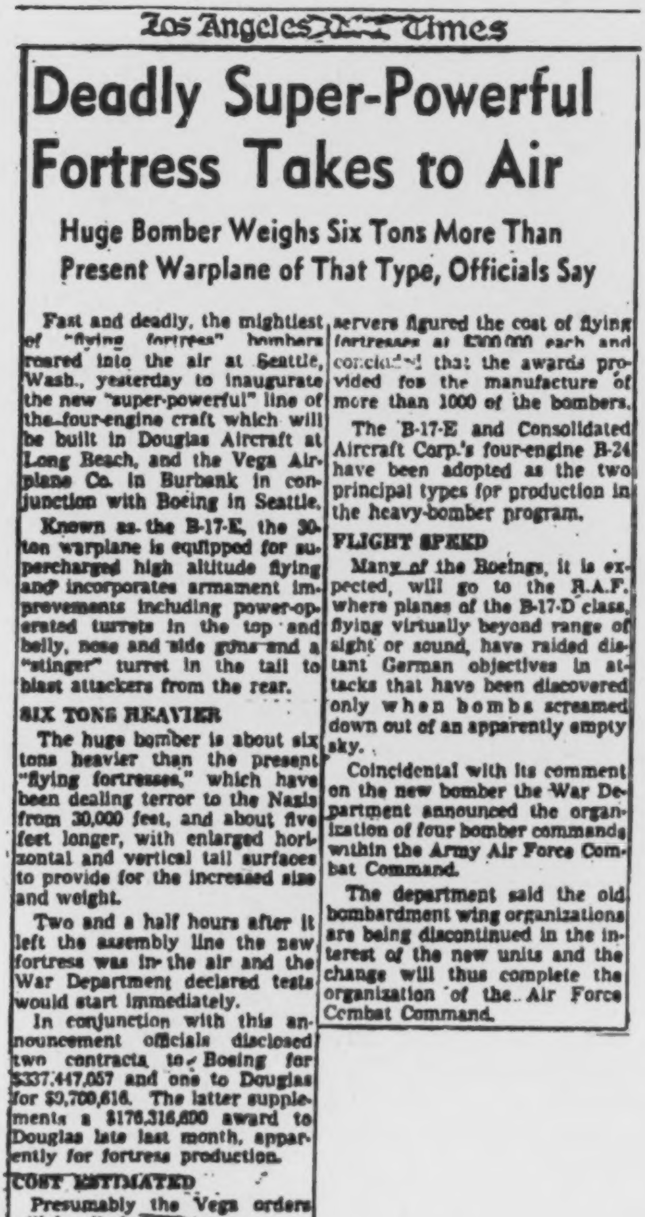
Company	*For Britain*	*For American Army*
Lockheed	Hudson bombers	P-38 Interceptor pursuit planes
Vega	Vega "Ventura" bombers	B-39-E heavy bombers
Douglas	Bombers	DC-3 transport planes. B-39-E and B----- heavy bombers A 20 bombers
North American	B medium bombers Mustang pursuit planes	(Same as for Britain)
Vulte		"Valiant" primary pursuit planes "Vengeance" high-speed bombers
Consolidated	B-type heavy bomber(?)	B-type heavy bombers(?)

Relayed to Washington.

Trans. 9-24-41

(Page 10) Exhibit D

September 7, 1941



Los Angeles Times

Deadly Super-Powerful Fortress Takes to Air

Huge Bomber Weighs Six Tons More Than Present Warplane of That Type, Officials Say

Fast and deadly, the mightiest of "flying fortress" bombers roared into the air at Seattle, Wash., yesterday to inaugurate the new "super-powerful" line of the four-engine craft which will be built in Douglas Aircraft at Long Beach, and the Vega Airplane Co. in Burbank in conjunction with Boeing in Seattle.

Known as the B-17-E, the 30-ton warplane is equipped for supercharged high altitude flying and incorporates armament improvements including power-operated turrets in the top and belly, nose and side guns and a "stinger" turret in the tail to blast attackers from the rear.

SIX TONS HEAVIER

The huge bomber is about six tons heavier than the present "flying fortresses," which have been dealing terror to the Nazis from 30,000 feet, and about five feet longer, with enlarged horizontal and vertical tail surfaces to provide for the increased size and weight.

Two and a half hours after it left the assembly line the new fortress was in the air and the War Department declared tests would start immediately.

In conjunction with this announcement officials disclosed two contracts to Boeing for $337,447,057 and one to Douglas for $9,700,616. The latter supplements a $176,316,600 award to Douglas late last month, apparently for fortress production.

COST ESTIMATED

Presumably the Vega orders will be disclosed later.

Although the type or number of planes covered by either of the contracts was not divulged, officials made no secret of the significance of the awards and the first flight of a B-17-E.

As a basis for estimates, observers figured the cost of flying fortresses at $300,000 each and concluded that the awards provided for the manufacture of more than 1000 of the bombers.

The B-17-E and Consolidated Aircraft Corp.'s four-engine B-24 have been adopted as the two principal types for production in the heavy-bomber program.

FLIGHT SPEED

Many of the Boeings, it is expected, will go to the R.A.F. where planes of the B-17-D class, flying virtually beyond range of sight or sound, have raided distant German objectives in attacks that have been discovered only when bombs screamed down out of an apparently empty sky.

Coincidental with its comment on the new bomber the War Department announced the organization of four bomber commands within the Army Air Force Combat Command.

The department said the old bombardment wing organizations are being discontinued in the interest of the new units and the change will thus complete the organization of the Air Force Combat Command.

(Page 10) Exhibit E

SEPTEMBER 10, 1941. Los Angeles Times

Lockheed Aircraft Sales Tripled in Half-Year

ISSUES REPORT—Robert E. Gross, president of Lockheed Aircraft Corp., who yesterday reported half-year operations of the company to stockholders.

Earnings for Period Show Increase Despite Heavy Tax Reserves

More than tripling the deliveries made in the like period in 1940 and exceeding by 23 per cent production for the entire year 1940, total sales of Lockheed Aircraft Corp. in the six months ended June 30, last, aggregated $38,005,881, Robert E. Gross, president, yesterday reported to stockholders.

Net profits amounted to $2,822,308, or 6.8 per cent on sales after provision for current and anticipated Federal income and excess profits taxes of $4,312,800 and depreciation, amortization and other reserves of $4,138,912.

INCOME GAINS

These earnings are equal to $2.63 a share on the 1,080,000 shares of capital stock outstanding and compare with $2,022,819, or $2.02 a share in the first six months of 1940.

In his message to stockholders, Mr. Gross pointed out that "the deliveries actually accomplished are indicative of Lockheed's determination to perform fully and to the greatest extent of its ability the responsibilities assigned to it in the current defense program. Such a record could not have been achieved were it not for the splendid morale and the working attitude of the factory personnel."

Pay roll for the period was $22,774,138.87 against $8,908,681 for the first half of 1940, and the total personnel was increased from 11,273 as of Aug. 23, 1940, to 35,838 employees on Sept. 8, 1941.

PEAK PRODUCTION

Mr. Gross revealed that although the peak in production of P-38 pursuits for the United States Army and the R.A.F., and the Hudson bombers for the British has been far from reached with present facilities, further rapid acceleration may be hampered by inability to procure outside manufactured parts and materials. The sources of these have not expanded facilities as rapidly as the prime contractors, he said.

Calling attention to the increasing proportion of tax expense, Mr. Gross said:

"Although the company earned a reasonable net profit, the costs of the national defense program must be paid for. It will be noted that the provision for Federal income and excess profits taxes in accordance with statutes now in effect exceeds six times the amount provided for the first six months of 1940."

The backlog of unfilled orders on June 30, 1941, totaled $382,947,983.08.

[Mr. Lawson's Exhibit 5]

(Page 11) Exhibit F

No. 299

FROM: Seattle (Sato) September 4, 1941
TO: Washington # 38 (Circular).

Message to Tokyo # 104.

Re my # 10.

Two Soviet planes arrived at the Navy air field, Sand Point, at 5 P.M. on the 4th. The party is putting up at a hotel in the city. It is reported that their mission is to confer with the American authorities concerning the degree of aid the Soviet may be able to obtain from the United States.

Trans. 9-8-41

No. 300

FROM: Hollywood (Nakauchi) September 6, 1941
TO: Tokyo # 170.

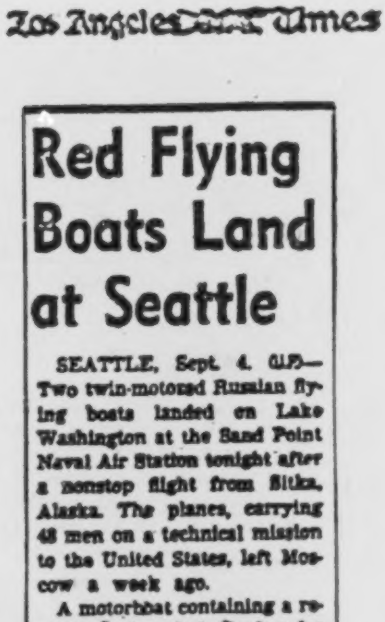
The Russian Air Mission inspected the B-19 heavy bomber at March Field on the 2nd, and on the 3rd came to Los Angeles where they are inspecting various airplane factories.

Relayed to Washington, San Francisco and Seattle.

Trans. 9-11-41

[Refer to MAGIC message #299, Exhibit F] (Page 11) Exhibit G

September 5, 1941



Los Angeles [illegible] Times

Red Flying Boats Land at Seattle

SEATTLE, Sept. 4. (U.P.)—Two twin-motored Russian flying boats landed on Lake Washington at the Sand Point Naval Air Station tonight after a nonstop flight from Sitka, Alaska. The planes, carrying 48 men on a technical mission to the United States, left Moscow a week ago.

A motorboat containing a reporter and a photographer for the Seattle Times was fired on four times by sailors from the station when it came close to to the first Russian plane. The shots hit the water and the newspapermen stopped and were taken to the station.

In another speedboat, near by were a reporter and photographer for the Seattle Post-Intelligencer. They also were taken back to the station but not fired on.

Naval authorities examined pictures taken by the photographers.

The State patrol yesterday announced that the station had been designated as a defense area in which no pictures could be taken.

Capt. Ralph Wood, commandant of the station, welcomed the Russians. They then went to downtown hotels.

[Mr. Lowman's Exhibits 10-11 are the first two pages of a 26-page report, of which this is the last page.]

(Page 13) Exhibit 11

December 4, 1941, Confidential Report (B-J-7)

Subject: Japanese Intelligence and Propaganda in the U.S. during 1941.

Note : Prepared by the Counter Subversion Section, Office of Naval Intelligence, from information received from various sources.

~~CONFIDENTIAL~~

ization acts as a distribution center for foreign and domestic motion pictures and gramaphone records. It also co-operates closely with Tokyo in arranging engagements for lecturers, theatrical troupes and musicians along the West Coast and in Hawaii. As an indication of the importance of its function, this organization's capital stock was increased from $25,000 to $250,000 in March, 1940.

CONCLUSION

During the first week in December, large scale shifts in key diplomatic personnel from Canada and the United States to Mexico and Latin America have taken place, and a mass exodus of Japanese residents is under way. On December 1, 1941, the Consulate General on the West Coast began to destroy its records, as did the Consulate General, the Japanese Chamber of Commerce and the Japan Institute in New York City. Secret codes and ciphers at the Japanese Embassy were burned on the night of December 5, 1941.

Such organizations as the Japanese Raw Silk Intelligence Bureau, the Silk Department of Mitsui & Co., Gunze Corporation, Asahi Corporation, Japanese Cotton & Silk Trading Co., Hara & Co., Katakura & Co., Morimura & Co., Arai & Co., and Shinyei & Co. closed on Saturday December 6, 1941, and personnel of these commercial houses plan to leave this country December 16 aboard the Tatuta Maru. The Japan Institute has announced its closing date as December 9, 1941.

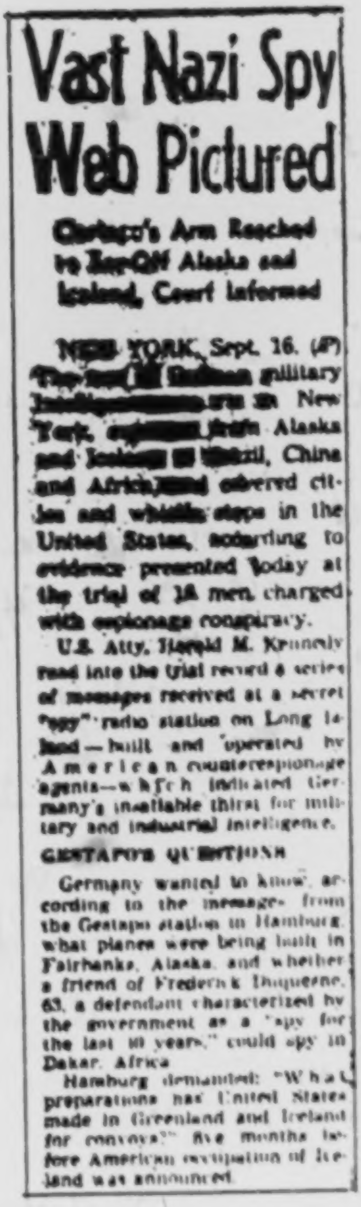
Although incomplete, the foregoing picture of Japanese intelligence and propaganda activities during 1941 illustrates the extent of Tokyo's effort to penetrate this Hemisphere. Current U.S.-Japanese relations are not clearly defined. However, in anticipation of a possible crisis, the FBI is prepared to take into custody and detain all persons whose activities are inimical to the best interests of the United States.

To: All Naval Districts, FBI, MID, COI, State Dept. B-7-J

~~CONFIDENTIAL~~

(Page 17) ***Exhibit I***

Los Angeles Times - Wednesday, September 17, 1941



Vast Nazi Spy Web Pictured

Gestapo's Arm Reached to Far-Off Alaska and Iceland, Court Informed

NEW YORK, Sept. 16. (AP) The [illegible] military [illegible] are in New York, [illegible] from Alaska and Iceland to Brazil, China and Africa, [illegible] covered cities and whistle stops in the United States, according to evidence presented today at the trial of 16 men charged with espionage conspiracy.

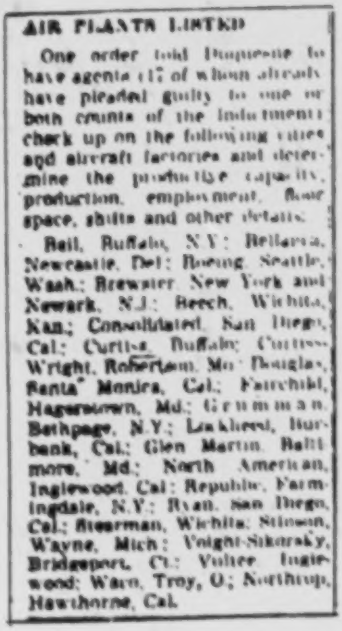
U.S. Atty. Harold M. Kennedy read into the trial record a series of messages received at a secret "spy" radio station on Long Island—built and operated by American counterespionage agents—which indicated Germany's insatiable thirst for military and industrial intelligence.

GESTAPO'S QUESTIONS

Germany wanted to know, according to the messages from the Gestapo station in Hamburg, what planes were being built in Fairbanks, Alaska, and whether a friend of Frederick Duquesne, 63, a defendant characterized by the government as a "spy for the last 40 years," could spy in Dakar, Africa.

Hamburg demanded: "What preparations has United States made in Greenland and Iceland for convoys?" five months before American occupation of Iceland was announced.

Note: Eight of these Nazi intelligence targets were within General DeWitt's Western Defense Command.



AIR PLANTS LISTED

One order told Duquesne to have agents (17 of whom already have pleaded guilty to one or both counts of the indictment) check up on the following cities and aircraft factories and determine the productive capacity, production, employment, floor space, shifts and other details:

Bell, Buffalo, N.Y.; Bellanca, Newcastle, Del.; Boeing, Seattle, Wash.; Brewster, New York and Newark, N.J.; Beech, Wichita, Kan.; Consolidated, San Diego, Cal.; Curtiss, Buffalo; Curtiss-Wright, Robertson, Mo.; Douglas, Santa Monica, Cal.; Fairchild, Hagerstown, Md.; Grumman, Bethpage, N.Y.; Lockheed, Burbank, Cal.; Glen Martin, Baltimore, Md.; North American, Inglewood, Cal.; Republic, Farmingdale, N.Y.; Ryan, San Diego, Cal.; Stearman, Wichita; Stinson, Wayne, Mich.; Vought-Sikorsky, Bridgeport, Ct.; Vultee, Inglewood; Waco, Troy, O.; Northrop, Hawthorne, Cal.

503RD PARACHUTE RCT ASSOCIATION, WORLD WAR II
503rd Parachute Infantry Regiment 462nd Parachute Field Artillery Battalion
161st Parachute Engineer Company

B/G George M. Jones, USA Ret.
Honorary President

From the office of:
Secretary-Treasurer

Resolution

Whereas, *Imperial Japanese Forces launched a vicious, unprovoked, sneak attack against United States military installations and ships in the Hawaiian Islands on December 7, 1941, a day that will long live in infamy, beginning a war in which the Japanese inflicted more than 170,000 casualties on American service men and women, and*

Whereas, *reports and rumors of air raids and imminent amphibious assault by Japanese Imperial Forces against our West Coast proved to be false, and*

Whereas, *without formal hearing or trial, some 120,000 Japanese Americans were treated as security risks and forced to give up their home, business and property, sometimes with only two days' notice, and were herded under Military Police guard into concentration camps under primitive living conditions; none of the Japanese Americans thus restrained were lawfully accused, much less convicted, of sabotage, espionage or treason, and*

Whereas, *The 503d Parachute Regimental Combat Team was assigned a number of Japanese Americans who shared with us the dangers of the combat jump and the battlefield, and knew their likely fate if captured was horrible torture and certain death as traitors to their ancestry; now*

Be it therefore resolved, *in this year of 1983, the 41st anniversary of the interment of those loyal Americans of Japanese descent, that the 503d Parachute Rct Association, World War 2, belatedly expresses formal recognition to our fellow Japanese American paratroopers and those who fought so valiantly in other American military units for the special contribution made by them to the successful prosecution of World War 2, and further acknowledge the patriotic sacrifice made by their families in sending their sons and husbands from behind barbed wire enclosures to fight, bleed and die for their country.*

And be it further resolved, *that a copy of this resolution be sent to every living former member of the 503d Parachute Regimental Combat Team and their next of kin whose address is known, and to such other persons and agencies as the Board of Directors may deem advisable.*

Adopted by the 503d Parachute Rct Association, World War 2, during its annual general membership meeting at Las Vegas, Nevada, July 21, 1983.

Maurice S Linton
Maurice S. Linton
Executive Secretary-Treasurer

Robert M. Atkins
Robert M. Atkins
President

Senator **Stevens**. Mrs. Rachel Kawasaki, please.

TESTIMONY OF RACHEL KAWASAKI, FORMER EVACUEE

Ms. **Kawasaki**. Senator Stevens, the histrionics that I have noticed here all day long is appalling. You see before you a very angry person for a number of reasons.

Mr. Herzig, who just testified, attacks David Lowman. Mr. Herzig says that he has not contacted the Commission. Why doesn't he tell the audience and everybody, and tell you that he worked for the CWRIC Commission. That his wife worked for the Commission. That he is a spokesperson for the National Coalition of Japanese-Americans for Redress out of Chicago that is headed by William Hohri that filed a billion dollar lawsuit against the U.S. Government. That's who Jack Herzig is. His wife's name is Alko Yoshinaga Herzig.

He was not a paid employee for the Commission, he did voluntary archival work. His wife was a paid employee, in the Executive Director's office of CWRIC the Commission. That's who Jack Herzig is.

As far as him talking about David Trask, I don't think he knows David Trask—I talked to Dr. Trask, I questioned his testimony. Dr. Trask had to admit to me that he didn't know too much about the evacuation—other than what he had read—and when he testified before the CWRIC Commission in 1981, he was working for the State Department. He testified in behalf of the State Department. When he testified before Congressman Sam Hall, June 27, 1984, he testified as a historian for the Army. So in a matter of a few years Dr. Trask has been wearing two different hats, and he admitted this to me over the phone, and asked me if I had any documentation that could prove to him what I was saying was true, he would like to have it.

I resent Jack Herzig criticizing David Lowman. And as far as David Trask and others, when I read their testimony, I found they knew very little. I asked them many questions about what I am familiar with myself.

First, I must tell you, Senator, I am a former evacuee. I resided for 16 months at two different relocation centers. It was not compulsory for me to go, but I had a 2-month-old daughter, so when I joined my husband and my child to be evacuated, I took on the identification of a person of Japanese ancestry.

I resent many people including some people this afternoon in this room, when I passed a young man to go out to smoke a cigarette, of giving me the finger and calling me a bitch. I resent that. This young man doesn't know me. I am opposed to redress—vehemently opposed to it—which I will enlighten you on my reasons why.

When I speak, I am speaking as another evacuee though I have a white face. And I happen to know much more than many of the people that are up here testifying. I went through it and I am older. Some of them weren't even born.

First, let me say, Senator Stevens, I am here representing myself. Only. I belong to no organizations and no political parties since I resigned from the Republican party because of this redress issue in 1981.

I am here as a citizen of the United States and as a former evacuee during World War II. I consider myself qualified to give expert testimony about the evacuation of persons of Japanese ancestry from the Western Defense Zone of the United States in 1942.

Because of the discourtesies and arrogance of the staff members of many politicians whom I have encountered over the past few years, I have developed a very contemptuous attitude toward all politicians. Though I may not have any degrees that would give me a Ph.D. after my name, I feel that I am a person with above intelligence, and I resent someone talking down to me and others like myself as though we had less intelligence than an amoeba.

I have come to the conclusion that not all this country's enemies are in foreign countries. I think there are many enemies in this country in Washington, DC, and other municipalities throughout this Nation.

I am appalled at how ready and eager the media, such as the TV, the newspapers and the magazines, are to hear anything that is negative about this country. I find most politicians also eager to hear any and all negative garbage about the very country that they are elected to serve and protect.

At the present time the only politician in Washington, DC, that I would give the time of day to is Senator Jesse Helms.

When I contacted his office in 1981, his staff members listened objectively and courteously to me and what I had to say. This is more than I can say for former Congressman Barry Goldwater, Jr.'s, office, former Congressman Robert Dornan's office, Congressman Dan Lungrun's office, Congressman Mervyn Dymally's office, Congressman Ed Roybal's office, former Congressman Mike Lowry's office, Senator Paul Laxalt's office, Senator Alan Cranston's office, the former Senator Frank Church, Congressman Jim Wright, Congressman Sam Hall, and Senator Alan Simpson's office, and a host of others, including your office, Senator Stevens.

About 2 months ago, I had an opportunity to talk to an aide in your office by the name of Pam Thompson. When I tried to discuss the relocation issue with her, she parroted a civil rights lecture to me, and belittled me for my lack of legal expertise on civil rights laws. The way a politician's staff member treats the constitutents of this Nation tells a person something of the politician himself.

From my observation, this past 40 years, there has been numerous subcommittee hearings starting in the late 1940's, and continuing to this very day. In between all these subcommittee hearings of course there was the farcical stacked Commission of 1981, who had their predetermined conclusions and used outrageous Gestapo tactics to achieve them—I happened to be a recipient of their Gestapo tactics.

Plus, there were others. There were three Commissioners on that CWRIC Commission that have a conflict of interest—Judge William Marutani is a former evacuee of Japanese ancestry. Father Ishmael Gromoff is a former Aleut evacuee. And, Chairperson Joan Bernstein, is representing the Aleuts—the Aleuts have a large lawsuit against the U.S. Government, and her law firm is representing the Aleuts in that lawsuit.

I have observed that the politicians and media do not always research an issue before they write or speak out on it. Today there is nothing but a lot of rhetorical word play and semantics surrounding this redress issue that happened over 40 years ago.

It angers me when the so-called intellects use the definitive terms "concentration camps, internment camps, incarcerated, etc."

We evacuees and/or relocatees were never interned, we were never incarcerated, and we never resided in a concentration camp because there never was a concentration camp in this United States of America. And he who projects this is projecting a fallacy to discredit this Nation of ours in international eyes. The only persons that were ever interned in this country were persons who were FBI suspects, mostly alien males. These individuals were detained at internment centers which were entirely different than the relocation centers. The internment centers were under the jurisdiction of the Justice Department. The relocation centers were under the jurisdiction of the War Relocation Authority which was a civilian agency. Persons at the internment centers were released to join their families at the relocation centers, or to relocate inland once they were cleared by the FBI.

The evacuation and the relocation of the Japanese communities in Washington State, Oregon, California, and western Arizona served dual objectives.

1. The U.S. Government was protecting the Japanese community from overzealous patriots.

2. The security of the Western Defense Zone because there was a huge population of Japanese in the Japanese community of aliens from Japan, and after Pearl Harbor, they became enemy aliens no matter how you look at it.

Any and all persons of Japanese extraction, including the aliens, could have relocated to the other 44½ States on their own. Thousands desired to do so, and they did.

Only after these thousands of evacuees ran into difficulties, rejection and adversities from the communities and the States they were going to, did the centers come into existence. They were organized to assist the relocation of the evacuees to find employment and housing in communities away from the Western Defense Zone that would accept them.

Any person, other than a minor child, who chose to stay at the centers for the duration, did so of their own volition. No one was forced to do anything other than evacuate from a designated area of these United States. We were not forced to stay at the centers; they were only to be a temporary way station in the process of implementing the relocation program.

I would like to say to any and all of the politicians in this Nation who are supporting this redress issue that they are supporting an unwarranted cause, and are being very unfair to the other taxpayers of this Nation who have entrusted their hard earned tax money to them.

The evacuees and/or relocatees have been getting Government money with the help of the politicians in Washington, DC, and other municipalities ever since 1942 with an initial $4 million loan which was granted to them within approximately 4 months after the evacuation order. That loan was used as an initial investment for profit making co-ops which were owned by a group of evacuees, not the U.S. Government. These evacuees also sold shares to other evacuees and paid dividends on those shares.

The co-ops included general merchandise stores selling everything from greeting cards, funny books, clothing to packaged food stuffs, dry cleaners, soy sauce factories, fish markets, barber shops, beauty shops—I must say this was some concentration camp. Any person that has an ounce of business acumen, or shall we say "moxie," would have loved a piece of this kind of action where they had thousands of patrons at their front door and no competition. Some Project Centers had their own Bank of America branch.

The Project Center was a community within itself which was run and controlled by the evacuees. The Caucasian administrative staff was very small. The evacuees worked in all capacities throughout the centers and were paid wages.

A skilled person received $19 a month which was only $2 less than a buck private was getting for fighting at the front.

A semiskilled person received $16 a month, and an unskilled person received $12 a month.

Each individual received a monthly clothing allowance, and at the Assembly Centers we were given free coupon books to purchase personal items at the co-op general merchandise stores. All of this nonsense that has been propagandized about how we were rounded up at the point of guns and uprooted and herded out of our homes is a lot of "hog wash."

Hundreds of thousands of other people had to leave their homes, too. Because of the prevailing conditions after the bombing of Pearl Harbor there was not one person in this Nation that was not inconvenienced in some manner.

The Japanese community was not the only one who had to suffer inconveniences. Are the politicians in this Nation ready to give redress money to other segments of the Nation who were uprooted and had to leave their homes and families at that particular time in history—G.I. Bill notwithstanding, Senator.

I am Caucasian, and it was not compulsory for me to evacuate. I did so to be with my husband and my 2-month-old daughter.

From my own personal experience and my own knowledge, the primary concern of the U.S. Government was not to separate the families of the evacuees and/or the relocatees.

It has been propagandized that any person with an ounce of Japanese blood had to be evacuated. This is only a half truth.

In the beginning, mixed blood persons did have to evacuate, but by July 1942, a mixed blood person could ask for an exemption. This is never told to the public as many other things are never told to the public, especially about the pro-Japan element that existed in all of the Project Centers.

These pro-Japan evacuees and the pro-U.S. evacuees had numerous violent riots, including one at Santa Anita Assembly Center where I resided for 4 months, and we were put under martial law. I was there. I seen the trucks and everything that were turned over.

Finally, there was a segregation program implemented to separate the loyal evacuees from the disloyal evacuees. There were several who refused to sign a questionnaire stating their allegiance to the United States. They were segregated and sent to a Segregation

Center at Tule Lake, CA. Those evacuees who refused to sign allegiance included aliens and citizens alike. The aliens wanted to be repatriated to Japan, and American citizens who renounced their American citizenship wanted to be expatriated.

There was also another group of evacuees which is never mentioned—that is the draft evaders. A number of them were sent to McNeil Island, a Federal penitentiary in Washington State where Gordon Hirabayashi spent some time. Should these individuals who shook their fists and thumbed their noses at the United States back in those years be given redress money, Senator?

This redress issue is nothing but propaganda. It has been diligently planned for the past 40 years. The politicians and the media in this Nation can't see the forest for the trees, and as far as I am concerned, they are being manipulated like puppets on a string.

Redress as the advocates are calling it today is for their supposedly traumatic psychological scars. I say it is only another ploy to get more of the taxpayers' money, since the evacuees and/or relocatees have been paid for any and all losses, real or personal, that they incurred because of the evacuation.

Public Law 886, which went into effect in 1948, paid reparations to all legitimate claims. This was the second chunk of money that was doled out to the tune of approximately $40 million. The redress advocates will tell you they were only paid 10 cents on the dollar—that's not true. They were paid the difference between the 1942 market value, and what they received at the time of a sale, but in, if they sold a car with a market value—market value in 1942—of $800, they sold it for $500, the Government paid them the $300 difference under Public Law 886. So I say they received full compensation. They did not lose $1.

As far as the land and all of that, there was an alien land law—most didn't, they couldn't own land—from a publication, there were Caucasian attorneys that implemented phony corporations. The Japanese-American Citizen League has a publication or has published a book called Yamato Colony. It states in this book—it gives the name of an attorney that helped to make up the phony corporations to avoid, in their words, or the author's words, "avoid the alien land law."

During the alien land law between 1913 to mid 1950's most couldn't own land, and the maximum length of time to lease land was 3 years. I worked in a Japanese town right here in Los Angeles before World War II, before Pearl Harbor, since I was 17 years old, and I worked down there afterward. I have lived in the Japanese community most of my life. I know what went on down there before the war, and I know what went on down there after the war.

When Catherine Treadgold speaks about illegals, that is true, because my employer before the war, was an illegal, he was deported, and I almost went to Japan with him and his wife. I can show you the little place where I worked.

In the front where I worked, I sold sandwiches, egg salad sandwiches, ham salad sandwiches, et cetera, and in the back there was gambling and bootlegging. That's before the war.

So, I resent what is being said at these hearings.

There were more subcommittee hearings at the taxpayers' expense after 1948 and Public Law 886. After that more hearings and there was more money given, and in 1951, Public Law 886 was amended; it became Public Law 116. After that more subcommittee hearings, more concessions. In 1954 and 1955, both years, they had subcommittee hearings, 3 days each—3 days in San Francisco and 3 days in Los Angeles—each year—they got more money. And Public Law 116 was amended to become Public Law 673.

In fact, the Justice Department man that was processing these claims, whose name was Mr. Jacobs—if you will read the testimony of all that testified, you will find most of them were politicians, sir, that testified at those 1954 and 1955 hearings because I have the complete text of them. It was asked at one point of Mr. Jacobs, didn't you write this bill? Mr. Jacobs retorted, no, I thought the JACL did.

Senator **STEVENS**. Ms. Kawasaki, I have other witnesses. Would you finish up your testimony, please?

Ms. **KAWASAKI**. It seems that this group of redress and reparation advocates have been given carte blanche to milk the taxpayers of the United States again and again, on nothing but lobbied propagandized fallacies year after year.

The general public has been told that the centers were in remote areas away from everything. This is another fallacy. They were in rural farming areas, and there were farmers living there with their families many years before a relocation center was ever erected there.

We had all kinds of facilities, all religious denominations. We had 4th of July parades, sports competition—the redress advocates and the politicians who support them would lead the general public to believe that all rights were suppressed, and that we were locked up behind barbed wire, and they tried to project that it was similar to what happened to the Jewish people in Europe.

Earlier in this dissertation, I said that the word play and semantics was playing a great role. The redress advocates refer to themselves as survivors of the American Concentration Camps. Many of these advocates were not born at the time of the evacuation, not born or were teenagers at the time of the evacuation, such as Norman Mineta—Congressman Norman Mineta and Congressman Bob Matsui—both of California.

I must say, Senator, it is sickening to see Congressman Mineta choking up and shedding his crocodile tears on TV and also here today. When in all probability, from my own personal experience and with my own eyes—what else can I say—I was there.

Congressman Mineta was probably like every other 10 year old boy, going to school, running around free in the Project, playing ball and et cetera.

I would like to suggest to Congressman Mineta, if he does not have a Screen Actors Guild card, maybe he should get one—he's a very good actor.

Isn't it strange that Mr. Mineta and Mr. Matsui are now U.S. Congressmen in this terrible racist Nation. Some of the people from the antagonistic racist society, as Mr. Mineta calls it, must have voted for them, because there are not enough Japanese votes in the Japanese community to have sent him to Washington.

John Tateishi, who was only 3 years old—it is common knowledge in the Japanese community that John Tateishi's father gave an anti-U.S. diatribe in Manzanar center in August 1942. This is stated on page 51 in James Oda's book "Heroic Struggles." You had his wife, Dr. Mary Oda, testifying this morning. It is in this book about John Tateishi's father, Shigetoshi Tateishi, giving anti-U.S. speeches. Now his son is spreading his propaganda.

John Tateishi states that there has not been one American that was convicted of any kind of disloyal activity, or was ever charged with any crime other than being ethnic Japanese. What about Tomoya Kawakita, also known as "Meatball." What about Tokyo Rose.

At my relocation center, Amacke at Granada, CO, Senator, there were three sisters who were arrested and tried for conspiracy to commit treason, they were sentenced in the U.S. District Court in Denver, CO, August 18, 1944. And for my own personal reasons, I will not give the data or their names here today, but those sisters lived two barracks over from me. They went to the Women's Federal Penitentiary in West Virginia—three sisters—all Japanese-Americans.

Senator Stevens. Thank you very much. We appreciate your testimony.

[The prepared statement of Ms. Kawasaki follows:]

TED STEVENS SUBCOMMITTEE HEARINGS
LOS ANGELES, CALIFORNIA
August 16, 1984

Rachel Kawasaki, speaking as a former evacuee who spent four months at Santa Anita Assembly Center in Arcadia, California, and one year at the Amache Relocation Center in Granada, Colorado, for a total of 16 months.

Senator Stevens, I am here representing no one but myself. I belong to no organizations or political parties since I resigned from the Republican party because of this REDRESS issue and the arrogance of certain politicians in April, 1981. I am here as a citizen of the United States and as a former evacuee during World War II. I consider myself qualified to give expert testimony about the evacuation of persons of Japanese ancestry from the Western Defense Zone of the United States in 1942. Because of the discourtesies and arrogance of the staff members of many politicians whom I have encountered over the past few years, I have developed a very contemptuous attitude toward all politicians. Though I may not have any degrees that would give me a Ph.D. after my name, I feel that I am a person of above average intelligence and resent someone talking down to me and others like myself as though we had less intelligance than an amoeba. I have come to the conclusion that not all this country's enemies are in foreign countries. I think there are many enemies of this country in Washington, D.C., and mayors, supervisors and city councilmen in other Municipalities. I am appalled at how ready and eager our media (T.V., newspapers and magazines) is to hear anything negative about our country. I find most politicians are also very eager to hear any and all negative garbage about the very country they are elected to serve and protect. At the present time the only politician in Washington D.C. that I would give the time of day to is Senator Jesse Helmes of North Carolina. When I contacted his office in 1981, his staff members listened objectively and courteously to what I had to say, which is more than I can say for Former Congressman Barry Goldwater Jr.'s office, former Congressman Robert Dornan's office, Congressman Dan Lungrun's office, Congressman Mervyn Dymally's office, Senator Slade Gorton's office, Congressman Ed Roybal's office, former Congressman Mike Lowry's office, Senator Paul Laxalt's office, Senator Alan Cranston's office, former Senator Sam J. Erwin Jr.'s office, former Senator Frank Church's office, Congressman Jim Wright's office, Congressman Sam Hall's office, Senator Alan Simpson's office, and HOST of others, including your office, Senator Stevens. About two months ago I called your office and talked with Pam Thompson. When I tried to discuss the relocation issue with her, she parroted a Civil Rights lecture to me and belittled me for my lack of "legal expertise" on civil rights laws. The way a politician's staff members treat the constituents of this nation tells something of the politician himself.

From my observations this past forty years there has been numerous subcommittee hearings starting in the late forties and continuing to this very day. IN BETWEEN ALL THE SUBCOMMITTEE HEARINGS OF COURSE THERE WAS THE FARCICAL STACKED COMMISSION OF 1981 WHO HAD THEIR PREDETERMINED CONCLUSIONS AND USED OUTRAGEOUS GESTAPO TACTICS TO ACHIEVE THEM; plus there were three of the commissioners sitting on that commission that had a conflict of interest: Judge William Marutani, Chairperson Joan Bernstein and Father Ishmael V. Gromoff.

I have observed that politicians and media do not always research thoroughly an issue before they write or speak out on it. Today there is nothing but a lot of rhetorical word play and semantics surrounding this REDRESS issue that happened over 40 years ago.

It angers me when the so-called intellects use the definitive terms "concentration camps, internment camps, incarcerated, etc."

We evacuees and/or relocatees were never interned, never incarcerated and never resided in a concentration camp because there has never been a concentration camp in the United States of America, and he who projects this is projecting a fallacy to discredit this country of ours in international eyes. The only persons that were ever interned in this country were persons who were F.B.I. suspects, mostly alien males. These individuals were detained at internment centers which were entirely different than the relocation centers. The internment centers were under the jurisdiction of the Justice Department. The relocation centers were under the jurisdiction of the War Relocation Authority, a civilian agency. Persons at the internment centers were released to join their families at the relocation centers or to relocate inland once they were cleared by the F.B.I.

The evacuation and relocation of the Japanese communities in Washington State, Oregon, California and Western Arizona served dual objectives. (1) The United States Government was protecting the Japanese community from over-zealous patriots. (2) National security of the Western Defense Zone because there was a huge population in the Japanese community of aliens from Japan and after Pearl Harbor they became enemy aliens no matter how you look at it. Any and all persons of Japanese extraction, including aliens, could have relocated to the other forty-four-1/2 states on their own. Thousands desired to do so, and they did. Only after these thousands of evacuees ran into difficulties, rejection and adversities from the communities and states they were going to, did the centers come into existence. They were organized to assist the relocation of evacuees to find employment and housing in communities away from the Western Defense Zone that would accept us. Any person other than a minor child who chose to stay at the centers for the duration did so of their own volition. No one was forced to do anything other than evacuate a designated area of these United States. We were not forced to stay at the centers, they were only to be a temporary way station in the process of implementing the relocation program.

I would like to say to any and all the poiliticians in this nation who are supporting this REDRESS issue that they are supporting an unwarranted cause and are being very unfair to the other taxpayers of this nation who have entrusted their hard earned tax money to them. The evacuees and/or relocatees have been getting government money with the help of politicians in Washington, D.C. and other Municipalities ever since 1942 with an initial $4,000,000 loan which was granted within approximately four months after the beginning of the evacuation and relocation program. The loan was used as an initial investment in profit making Co-ops which were owned by a group of evacuees. These evacuees also sold shares to other evacuees and paid dividends on the shares. The Co-ops included general merchandise stores selling everything from greeting cards, funny books, and clothing to packaged food stuffs; dry cleaners; soy sauce factor; fish markets; barber shops; beauty shops; etc. This was some "Concentration Camp" wasn't it? Any person that has an ounce of business acumen, or shall we say "moxie", would have loved a piece of this kind of action where they had thousands of patrons at their front door and no competition. Some Project Centers had their own Bank of America branch.

The Project Center was a community within itself which was run and controlled by the evacuees. The Caucasian administrative staff was very small. The evacuees worked in all capacities throughout the centers and were paid wages. A skilled person received $19 a month which was only $2 a month less than a Buck Private fighting at the front received. A semi-skilled person received $16 a month and the unskilled $12 a month. Each individual received a clothing allowance, and at the Assembly Centers we were given free coupon books to purchase personal items at the Co-op general merchandise stores. All of this nonsense that has been propagandized about how we were rounded up at the point of guns and uprooted and herded from our homes is a lot of "hog wash"! Hundreds of thousands of other people had to leave their homes, too. Because of the prevailing conditions after the bombing of Pearl Harbor, there was not one person in this nation that was not inconvenienced in some manner. The Japanese community was not the only one who had to suffer inconveniences. Are the politicians in this nation ready to give REDRESS money to other segments of the nation who were uprooted and had to leave their homes and families at that particular time in history? (G.I. Bill notwithstanding.) I am Caucasian and it was not compulsory for me to evacuate. I did so to be with my husband and two month old daughter. From my own personal experience and knowledge, the primary concern of the United States Government was not to separate the families of the evacuees and/or relocatees. It has been propagandized that any person with one ounce of Japanese blood had to evacuate. This is only a half truth. In the beginning mixed blood persons did have to evacuate, but by July, 1942, a mixed-blood person could ask for an exemption. This is never told to the public as many other things are never told to the public, especially about the pro-Japan element that existed in all of the Project Centers. These pro-Japan evacuees and the pro-U.S. evacuees had numerous violent riots including one at the Santa Anita Assembly Center where I resided for four months. Finally there was a segregation program implemented to separate the loyal from the disloyal evacuees. There were several thousand who refused to sign a questionnaire stating their allegiance to the United States. They were segregated and sent to a Segregation Center at Tule Lake, California. Those evacuees who refused to sign allegiance included aliens and citizens alike. The aliens wanted to be repatriated to Japan; and American citizens who renounced their American citizenship wanted to be expatriated to Japan. There was also another group of evacuees which is never mentioned. They were the draft evaders. A number of them were sent to McNeil Island Federal Penitentiary in Washington State where Gordon Hirabayashi spent some time. Should these individuals who shook their fists and thumbed their noses at the United States back in those years be given REDRESS money?

This REDRESS issue is nothing but propaganda. The politicians and the media in this nation can't see the forest for the trees, and as far as I am concerned they are being manipulated like puppets on a string. REDRESS as the advocates are calling it today is for their supposedly traumatic psychological scars. It is only another ploy to get more of the taxpayers' money, since the evacuees and/or relocatees have been paid for any and all losses, real or personal, that they incurred because of the evacuation. Public Law 886 which went into effect in 1948 paid reparations to all legitimate claims. This was the second chunk of money that was doled out to the tune of approximately $40,000,000. The REDRESS advocates will tell you they were only paid ten cents on the dollar, but that's not true either. They were paid the difference between 1942 market value and what they received at the time of a sale, i.e., if they sold a car with a 1942 market value of $800 for $500, the government paid them the $300 difference under Public Law 886. So I say they received full compensation. They did not lose one dollar.

Then there were more subcommittee hearings at the taxpayers expense. After these hearings more concessions and more money was given to the evacuees when the politicians amended Public Law 886 in 1951, and it became Public Law 116. Then again in 1954 and 1955 more subcommittee hearings were held, more concessions made, more money given. Public Law 116 was then amended and became Public Law 673. It seems that this group of REDRESS and/or reparation advocates have been given CARTE BLANCHE to milk the taxpayers of the United States again and again on nothing but lobbied propagandized fallacies year after year. I have a complete volume of these claims that were adjudicated by the Justice Department, and some of them are so petty they are ridiculous, such as asking to be repaid for tarpaulins, bamboo fishing poles and other nonsensical items.

The general public has been told that the centers were in remote desolate areas away from everything. This is another lie which has been perpetrated. They were in rural farming areas. Many farmers and their families had been living in these areas for years. At the inland relocation centers, we were free to walk in and out of the center. Many people had their own cars at the centers. We had no military guards and our movements were not curtailed in any way. At the assembly centers, while still in the Western Defense Zone, there were military guards on the outside perimeters, but we were still able to get special permits and could leave the center to go inland at any time we wanted. The only time that the military was ever involved in the internal affairs of the centers was when they were called in to contain the rioting between the pro-Japan evacuees and the pro-U.S. evacuees. At both the assembly center and the inland relocation centers we had more than adequate hospital and educational facilities. In fact, I would say that we had better than many of the rural farm communities had then and possibly today. Religious services for all denominations represented were held. Every week we had movies, talent shows, arts and crafts shows, drum and bugle corps, Girl and Boy Scouts, all kinds of sports competition, and many other fun community activities. We had 4th of July parades, Labor Day parades, Christmas and Easter celebrations and many others. Again I say, "Some Concentration Camp?"

The REDRESS advocates and the politicians that support them would lead the general public to believe that all rights were supressed and that we were locked up behind barbed wire, and try to project that it was similar to what happened to the Jewish people in Europe. Earlier in this dissertation I said word-play and semantics was playing a great role in this issue, let me say that again. The REDRESS advocates refer to themselves as survivors of the American Concentration Camps. Many of these advocates were not even born at the time of the evacuation and others were teenagers or younger at the time of the evacuation; such as Congressman Norman Mineta and Congressman Bob Matsui of California. Matsui was only a baby and Mineta a 10-year old school child. Its sickening to see Mineta choking up and almost shedding crocodile tears on T.V., when in all probability he was like every other 10-year old, going to school, playing ball and running around the project with total freedom. I would like to suggest that if Congressman Mineta does not have a Screen Actors Guild card, possibly he should get one since he is such a great actor. Isn't it strange how Mr. Mineta and Mr. Matsui became congressmen in this terrible racist nation. Some of the people from the antagonistic racist society, as Mr. Mineta calls it, must have voted for them, because there sure are not enough votes in the Japanese community to send them to Washington. Judge Marutani, one of the Commissioners on the farcical 1981 Commission is anti-white. I said it in 1981 to his face and I say it again in 1984. John Tateishi's father who was an American citizen gave an anti-U.S. diatribe in 1942. Now Mr. Tateishi, who was only 3 years old at the time, is spreading his propaganda. In a recent book of his that was published by Random House "And Justice For All," he states: "The Japanese community was portrayed as a social nest of spies and saboteurs and yet not one Japanese American was brought to trial for disloyal activities; none were ever charged with any crime except being ethnic Japanese. I would like to ask John Tateishi "What about Tokyo Rose and Tomoya (Meatball Kawakita) both American citizens, plus there were three sisters at the Amache Center where I resided for one year that were arrested and found guilty of conspiracy to commit treason. They were sentenced to West Virginia Women's Federal Penitentiary in the Denver, Colorado District Court August 18, 1944. They also were U.S. citizens. I am leaving their names and other data out for personal reasons. Many of the REDRESS advocates claim that the evacuation came about because of racism, but they themselves are promoting racism and any politician who supports them is promoting racism too.

Everything that I have said here about all the previous money that has been paid out, the $4,000,000 loan and etc., I can prove with documentation. Everything that I have said about the centers, their facilities, I can prove from personal pictures and etc. In closing, I say the politicians owe a duty to this nation to stop all this false propaganda about the evacuation of persons of Japanese ancestry from the Western Defense Zone in 1942. The list of politicians that know that they have been paid before is very long. At the head of this list I would put Peter Rodino who is now the Chairman of the House Judiciary Committee. Since he was on the House Subcommittee hearings of 1954 and 1955 he knows very well that they have been paid any and everything and sometimes more than they may have had coming to them. Former Mayor Sam Yorty knows that they have been paid before. I have all these politicians words that they spoke over 30 years ago saying "Pay them - Give them what they ask". This was not only the incumbents but also the candidates vying for the incumbents' seats. How come all of these politicians who have been at all these hearing over the years are sitting back quietly such as Milton Eisenhower and Leland Barrows, who obtained the $4,000,000 loan for the profitmaking co-ops. I hear no politicians speaking out against this GUILT TRIP BLACKMAIL called REDRESS. WHY ! ! ! ! !

TED STEVENS SUBCOMMITTEE HEARINGS
LOS ANGELES, CALIFORNIA

Rachel Kawasaki August 16, 1984

SUMMARY

1. Riots between Pro Japan and Pro U.S. evacuees which led to a segregation program, Santa Anita assembly center where I resided for 4 months had such a riot.

2. Generosity of U.S. Government to evacuees, including giving cash grants to evacuees leaving the center for jobs the Government obtained for evacuees, also a 4 million dollar government loan given a group of evacuees to start profit making Co-ops which included general merchandise stores, selling everything from greeting cards, funny books, and clothing to packaged food stuffs; dry cleaners; soy sauce factory; fish markets; barber shops; beauty shops; etc. This loan was obtained for this group by President Eisenhower's brother, Milton Eisenhower, who was the first War Relocation Authority Director, appointed by President Roosevelt. These profit making Co-ops were privately owned by the evacuees; the U.S. government did not own them. The evacuees that owned them sold shares to other evacuees and paid dividends.

3. Labor contractors that were evacuees, made much money recruiting other evacuees to harvest crops, cut timber and other types of work. i.e., Employer tells labor contractor he needs x amount of employees and he will pay labor contractor x amount per person per day. Labor contractor, recruits workers for less than the employer is paying him. Labor contractor keeps the difference for himself. There were several such labor contractors at both the assembly center and relocation center where I resided for 16 months.

4. Centers had grammar and high schools plus a student relocation program for college students.

5. The freedom we had to go approximately 18 to 20 miles to a town to shop, go to afternoon movies or just go walking to a small town about 3 to 5 miles from the center or out into the desert searching for arrowheads and/or rocks especially at the inland relocation centers was never denied us. We had no guards; our movements weren't curtailed in any way.

6. Our freedom of choice to relocate away from the center with a cash grant and other government assistance, especially with employment. We were not forced to stay at centers and if an evacuee chose to stay at thecenter it was of their own volition. If the evacuee was a minor child, which of course would be a U.S. citizen, the choice to stay or leave was made by the minor child's parents, not the U.S. Government.

Senator STEVENS. Our next witness now is Mr. Kato.

TESTIMONY OF RICHARD KATO, AMERICAN CIVIL LIBERTIES UNION, REPRESENTING FRED OKRAND, LEGAL DIRECTOR

Mr. KATO. My name is Richard Kato.

Senator Ted Stevens and members of the Senate subcommittee, my name is Richard Kato. I am the senior staff legal assistant employed by the American Civil Liberties Union of Southern California, and I have served in this capacity since 1979.

Mr. Fred Okrand, our legal director could not attend today due to a last minute scheduling conflict. However, I have a statement and I would like to read it to you.

Before I begin though, I want to first say thank you on behalf of Mr. Okrand, myself, and the ACLU, for providing the time for admitting our oral testimony into the record.

To the members of the Senate subcommittee, Senator Ted Stevens, my name is Fred Okrand. I am legal director of the American Civil Liberties Union of Southern California. My appearance here will constitute one of my last as legal director, for I am retiring as of tomorrow after nearly 45 years of service to a similar role of legal director emeritus.

Forty-two years ago, I sadly witnessed a tragic injustice inflicted upon persons who solely, because they happened to be of a different race, were forced to pack up their belongings and leave their homes, taking only what they could carry and be transported to one of those lonely and desolate concentration camps constructed under the authority of the U.S. Government.

As a native southern Californian driving through the streets of Los Angeles, I was thoroughly ashamed to see fellow Caucasians jeering with such hatred toward Japanese-Americans, and they not realizing what a tremendous psychological trauma, as well as personal and property losses these evacuees must have faced.

The ACLU has vigorously spoken out against such indiscriminate exclusion, relocation and detention in the past, and as I stand before you now, we filed amicus curiae in the *Korematsu* case in support of his constitutional challenge to the evacuation order. Thank goodness the courts have recently and finally overturned his conviction.

The constitutional wrongs committed during that era, must be remedied.

As I testified before the Commission on Wartime Relocation and Internment of Civilians 3 years ago, this is the greatest single violation of civil rights in our history.

The ACLU therefore views with great encouragement that distinguished congressional members, such as yourself, have called us to consider appropriate redress, such as those embodied in S. 2116.

Monetary reparations stipulated in the bill are necessary and correct if we are to attempt to learn the lessons of unconstitutional necessitarianist.

Moreover, it is traditional within our jurisprudence to provide recompense in tort, for economic losses and psychological suffering.

The initial attempt by the Government in 1948 to do so, only accounted for mere pot and pan losses, and this was grossly insufficient.

It will take more than a formal apology on behalf of the entire Nation, although this does grant a form of declaratory relief holding that these people were in fact innocent victims of war hysteria.

The $1.5 billion earmarked in this bill, along with the public education trust fund designed to inform the public about the Japanese-American evacuation experience, is a welcomed milestone toward settling this matter once and for all.

Our Washington, DC legislative office shares this view as well. John Shattuck, our legislative director has said that we should certainly settle this matter once and for all, and I agree.

The American Civil Liberties Union therefore urges the subcommittee to adopt the findings and recommendations of the committee, of the CWRIC, and the provisions of S. 2116.

The plight of the Aleuts should not be forgotten either. The historical context is not unlike that which has been experienced with those persons of Japanese ancestry. The Aleuts being unfortunately located in what the Government calls Pacific War Theatre, suffered conversion and destruction of their property along with the evacuation, similarly precipitated upon their west coast counterpart.

For the Aleuts it is recommended that the amount cited in the bill ought not to be considered as taxable or otherwise, other income, which could be used to offset administrative and other governmental expenses. This would strengthen the meaning of providing recompense on par with that of providing same to those of Japanese ancestry.

In the final analysis, Senator, we would be far better human beings to admit our mistakes, apologize sincerely for them, and concretely attempt to make the injured whole. Thus, we may be able to rid ourselves of the cloak of shame which has shrouded our precious Constitutional heritage and haunted our peace of mind.

Thank you.

Senator STEVENS. Thank you very much. We appreciate your testimony, and hope you will give our best regards to your colleage, Mr. Okrand, who is retiring tomorrow you say?

Mr. KATO. Yes.

Senator STEVENS. He has been known to us for a long time. Thank you.

That is the last witness for this hearing today.

I thank all of you who have appeared and testified, and I particularly want to thank the audience for abiding by the Senate rules.

Incidentally, the Senate rules also apply to the screening devices that we now have at these hearings. I think that should be made plain, that it was not the Veterans' Administration that imposed those upon you; those are part of the Senate rules now.

We do appreciate the help of our court reporter and the interpreter who has assisted those who needed translation.

This record will be closed now, there will be no further testimony taken on this matter in Los Angeles. There will be a subsequent hearing in Anchorage on October 29. We will take testimony from those people who were relocated under the orders that moved the Aleut people during World War II.

Thank you all very much.

[Whereupon, at 5 p.m., the subcommittee was recessed.]

RECOMMENDATIONS OF THE COMMISSION ON WARTIME INTERNMENT AND RELOCATION OF CITIZENS

WEDNESDAY, AUGUST 29, 1984

U.S. Senate,
Subcommittee on Civil Service,
Post Office, and General Services,
Committee on Governmental Affairs,
Anchorage, AK.

The subcommittee met at 8:30 a.m., in courtroom 2, Old Federal Building, Hon. Ted Stevens (chairman) presiding.

Present: Senator Stevens.

Staff present: Mark Barnes, chief counsel; and Ruth Wheeler, professional staff member.

OPENING STATEMENT OF SENATOR STEVENS

Senator Stevens. We do have a hearing scheduled this morning on the bill S. 2116. I first want to tell you now that under the rules of the Senate, that we do have screening in all Federal buildings when there's a Senate hearing. I apologize for that. I must comply with the rules while we're in the field for hearings as well as when they're conducted in Washington.

The hearing is addressing a very difficult and controversial aspect of Alaska history, the relocation of Native Alaskans from the Aleutian and Pribilof Islands during World War II, and the relocation of the Japanese in the same time.

We are reviewing this bill, S. 2116. The bill would accept the findings and implement the recommendations made by the Commission on Wartime Internment and Relocation of Citizens in their investigation of the Aleutian Relocation Program.

The incident began in World War II with the Japanese invasion of Kiska and Attu Islands on June 7 and 8, 1942. In June and July 1942, Aleut residents of the Pribilofs and Aleutians west of Unimak Island were removed from their homes by our military forces and relocated to camps in southeastern Alaska. The majority of those people were relocated at Killisnoo, Funter Bay, Ward Cove, and Burnett Inlet.

At those locations, Aleut people faced 2 years of misery, disease, and lack of basic human necessities. The U.S. Government did not remove those people for the purpose of national security, it removed them to protect them from the dangers of war. In undertaking that, there was an obligation to exercise at least a minimum standard of care in providing for the needs of that group of people.

Upon returning to their homes, the Aleut people found their homes had been destroyed, not because of enemy action, but because of carelessness and disregard of their property by the American military.

The Commission on Wartime Internment and Relocation recommended five appropriate methods of compensation for these people for the failure of the U.S. Government to properly care for them during the period of relocation.

Our purpose here is to evaluate the recommendations as they're contained in the bill. The committee must determine what recommendations are appropriate in light of the present political realities and economic constraints. The committee looks forward to hearing all of the statements on the subject and we hope that through the presentation and record here we can proceed one step further in providing a proposal for Congress to meet the interests involved on the issues involved in this bill. The subject of this hearing today is primarily title III of S. 2116, but there may be comments offered with regard to the bill directed at the Japanese-American civilian internment in the lower 48 States during the period of World War II. Those comments are also appropriate.

There are formalities which must be adhered to as I attempt to comply with the rules as we're holding a hearing in the field. This is the second hearing on this bill. One was held in Los Angeles about 10 days ago. Would you please, as you come to the witness stand, state your name for the record and spell it for the court reporter?

We'll have a great many witnesses here today, and I must ask that you limit your testimony to a summary of the statements that we received, not more than 10 minutes. In order to get through the long list of witnesses today, we must ask that no witness testify more than 10 minutes, and I'll have to caution you as you approach that time limit.

I also want to state we'll do our best to accommodate those who have notified us at the very last minute that they want to testify. We have had a series of three announcements in the public media here that these hearings were coming, and we have scheduled the time available on the basis of those who responded to those notices. So we will do our best to accommodate those who have come in late, but it will be difficult. I would urge those who are testifying to keep in mind that there are some people who have appeared here today that wish to testify that we had no knowledge were coming.

[The prepared statement of Senator Stevens follows:]

PREPARED STATEMENT OF SENATOR STEVENS

Good morning ladies and gentlemen. It's good to see so many familiar faces here in the courtroom this early in the morning. This hearing will address a very difficult and controversial aspect of Alaska history: the relocation of Native Alaskans from the Aleutian and Pribilof Islands during World War II.

Our Senate Subcommittee is presently reviewing proposed Senate Bill S. 2116. That bill would accept the findings and implement the recommendations made by the Commission on Wartime Internment and Relocation of Citizens in their investigation of the Aleutian Relocation program.

This tragic incident during World War II began with the Japanese invasion of Kiska Island and Attu Island on June 7-8, 1942. In June and July of 1942, the Aleut residents of the Pribilofs and the Aleutian villages west of Unimak Island were removed from their homes by U.S. military forces and relocated to relocation camps in

Southeastern Alaska. The majority of these people were relocated at Killisnoo, Funter Bay, Ward Cove and Burnett Inlet.

While at these locations, the Aleut peoples faced nearly two years of misery, disease, and lack of basic human necessities. The U.S. Government did not remove these people for the purpose of national security, it removed them to protect them from dangers of war. In so doing, it undertook an obligation to exercise at least a minimum standard of due care in providing for the needs of this group of people. Upon returning home the Aleut people found their houses in shambles, not because of enemy action, but simply because of the carelessness and disregard for personal property exercised by the American military.

The Commission on Wartime Internment and Relocation has recommended five appropriate methods of compensation to the Aleut people for the failure of the U.S. Government to properly care for them during the relocation period:

1. The establishment of a trust fund for community and individual purposes to compensate the Aleuts for injuries suffered as a result of the evacuation.
2. A direct per capita payment to each of the few hundred surviving Aleuts who were evacuated from the Aleutian or Pribilof Islands during World War II.
3. The appropriation of funds to rebuild and restore the churches damaged or destroyed in the Aleutian Islands during World War II.
4. The appropriation of funds to clear away dangerous or hazardous debris that remain from World War II.
5. A Congressional declaration that Attu Island is Native land and as such be conveyed to the Aleuts through their Native corporation.

Our purpose here today at this hearing is to evaluate these proposals in a candid and fair manner. Specifically, this committee must determine what recommendations are truly appropriate in light of present political realities and economic constraints. I look forward to hearing all of your statements on this subject and hope that through these discussions, we can proceed one step further in providing a proposal for Congress that can satisfy all the interests involved in this issue. Incidentally, although this hearing is primarily on Title III of S. 2116, there may be comments offered today on the reparations proposals in the bill directed at the Japanese-American civilian internment in the lower 48 states during World War II. Those comments are welcome as well.

Because this is a Senate hearing, there are a few formalities that must be adhered to as we proceed. As you approach the witness stand, please state your name for the record and spell it for the reporter. Since we have so many witnesses to hear from today, it is important that witnesses limit their oral testimony to a short summary—not more than 10 minutes—so that all will have a chance to testify.

With this in mind, let us proceed with our first witness.

Senator STEVENS. We'll proceed with our first witness this morning, Mr. Philemon Tutiakoff, chairman of the Aleutian/Pribilof Islands Association.

I might tell the witnesses that there is no public address system in this room, so I hope that you will speak up so the people who are in the audience will be able to hear you. Good morning.

TESTIMONY OF PHILEMON MICHAEL TUTIAKOFF, CHAIRMAN OF THE BOARD, ALEUTIAN/PRIBILOF ISLANDS ASSOCIATION

Mr. TUTIAKOFF. Good morning, Mr. Chairman. My name is Philemon Michael Tutiakoff.

My testimony has already been placed before the record.

Today I speak for all Aleuts, especially those that cannot any longer, and those which embody our future. We recognize the gravity of this opportunity to testify before such an august body. As did our ancestors, we respect your sacrifices and deeply appreciate your sacrifices in our behalf, and the contribution.

I support your Senate bill, because it can be living proof that our country's governmental system can work for the voters as well as the elected officials.

This bill will make it possible for the Aleutian/Pribilof Islands Association, Inc., to enhance the mandate our Federal Government handed us that accompanied the passage of the Alaska Native Land Claims Act. Following a policy decision created by my corporation, the Aleuts can utilize elements in the proposed statute which will make it possible to better our daily lifestyle, to strive to improve any situation we face.

In alleviating the two impediments peculiar to our part of the world, one as old and inevitable as the Aleut, the other as new as man's technology. In the language of others, they are the most inclement weather in perhaps our country and the highest cost of travel in the land of the best people on Earth. It includes creature comforts, human services, education, spiritual enrichment and a base for economic improvement. It is both reasonable and practical in that it represents trust and strengthens faith in our potential.

Friends of the Aleuts have proven the legality of this action without a question of any doubt. When I inherited this responsibility from Patrick Pletnikoff 8 long years ago, the evolutionary aspects were unknown. What was the spark that can fire the resolve of all Aleuts and their friends and neighbors, that we are the first Americans are someone else's words, but the makeup of humanity can now be finer tuned.

Title III of S. 2116 is what we support wholeheartedly for the previously stated reason. I was a teenager in that awful time of my people. Young and very curious. Old enough never to forget any detail of my personal experience and its relationship to others exposed to us even today in mysteriously caused sensations, impacts and experiences, not unlike the Aleuts first visit at the hands of the Russians after they were first blown ashore on my island home.

What testimony heard today can make it possible for all who read English to read in the textbooks some day what has been to date a fairly unknown portion of our country's history. We shall ever learn from our past. We do not expect to dwell on it. Rather, by taking advantage of your bill and its potential, we can devise positive cooperative action to assert qualities that have made it humanly possible to live and enjoy life wherever the Aleut is.

Mr. Chairman, I submit for the public record the most recent annual reports and independent audits on the financial status of APIA, together with a summary of the program responsibilities of that Association.[1]

In conclusion, I wish to further testify in regard to what has indelibly become more a part of my whole being: faith in the Aleut people, my relationship with my Creator, the faith in the authority of our country, and undying gratitude to those that came forward to assist in creating a wholesome effort on my part in this endeavor. That the deep peace of the shining stars is nearer to everyone who took part in this adventure gives me a good feeling. Thank you.

Senator STEVENS. Thank you very much. It's nice to see you again. I appreciate your statement. Your complete statement will be printed in the record.

[Mr. Tutiakoff's prepared statement follows:]

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[1] The information referred to may be found in the files of the subcommittee.

Statement of Philemon Tutiakoff
Chairman of the Board
Aleutian/Pribilof Islands Association
Before the Subcommittee on Civil Service,
Post Office and General Services
Committee on Governmental Affairs
U.S. Senate
Anchorage, Alaska
August 29, 1984

Statement in Support of Title III of S. 2116

Mr. Chairman, Members of the Subcommittee, my name is Philemon Tutiakoff. I am Chairman of the Board of the Aleutian/Pribilof Islands Association, the tribal organization of the Aleut people.

I was a teenager living in the village of Unalaska when our people were evacuated on a few hours' notice. Almost all our property was left behind; and we were transported, ultimately, to an abandoned fish cannery at Burnett Inlet on Etolin Island, between Wrangell and Ketchikan in Southeastern Alaska. In the Unalaska/Dutch Harbor area, only the Aleut people were evacuated in this fashion. As a practical matter, the non-Native community had independent means of leaving the theatre of war. So they had the option, more or less, of evacuating themselves or staying behind.

We recognize the decision to relocate the Aleuts was not based upon race prejudice or any other bad motive. We certainly were not considered security risks by anybody in the region. Our ancestors were truly the first Americans. Our villages had been home for 8,000 years -- or more. The decision to remove the Aleuts from the Aleutians and the Pribilofs was based upon a desire to reduce the overall number of civilians in the region, and to make way for the troops who needed shelter, hospital facilities, food supplies, and other life-sustaining support. With the Aleuts gone from the region, the military supply lines could serve more effectively the military personnel stationed there. This was all very logical.

As John Kirtland has pointed out, however, the government had a duty to provide reasonable care for the Aleuts under its control, no less than for the troops stationed on the Islands. The failure of that duty, in a word, is the basis for the legislation before your subcommittee this morning.

Mr. Chairman, as Chairman of the Board of A/PIA, I have had the responsibility for this project, which I inherited from the then Executive Director, Mr. Patrick Pletnikoff, for several years. In general terms, the Commission's findings and recommendations are consistent with our own. While I am an Aleut from one affected village, I speak today for all the affected villages in supporting title III of S. 2116 the legislation drafted specifically for the consideration of Congress to implement the Commission's recommendations with respect to the Aleut issues.

Mr. Chairman, our view is that title III of S. 2116 is consistent with traditional private relief legislation approved by Congress in unique and difficult cases for nearly 200 years. The Aleut people were United States citizens and residents of the Territory of Alaska during World War II. Our sons were subject to the Selective Service laws, and more than 50 Aleuts were drafted out of the camps for army service. When our American boys stormed ashore to liberate Attu Island from the Japanese enemy, they were led by Aleut scouts familiar with the territory. In that battle, the Japanese defenders, cut off from all hope of reinforcement or escape, fought to the last man. The Aleuts clearly had the same rights and responsibilities, under the Constitution and laws of the United States, as any other citizens. The government's obligation to them, accordingly, was no less than that extended to any other group of citizens.

The claims before your subcommittee are claims recognized, at least in part, by the Roosevelt and Truman Administrations at the time. As the evidence shows, at President Roosevelt's direction, there was some rehabilitation of the villages and some monetary payment for property losses. Unfortunately, the Commission's record proves that this compensation was grossly inadequate. Alaska was a remote territory. The Aleutians were the most remote region of that territory. There was no air service. There was no communications system. There was for most people a substantial language barrier, as English was a second language and spoken by relatively few people at the time. Some villages were more than 1,000 miles from their Territorial Capital, let alone from Washington, D.C.

The paperwork too often simply was not filed or forwarded. There was no practical opportunity to press the case. The people were returned to a subsistence village life and left for the most part to cope alone with the readjustment problems. They did the best they could--and time passed.

Mr. Chairman, our counsel has prepared a Memorandum of Law that demonstrates the historic basis for private relief legislation to compensate the Aleuts for the losses they have suffered. The bill before your subcommittee, in our judgment, is consistent in theory and practice with other private relief measures approved over many decades. I ask that this Memorandum be made a part of the subcommittee's record.

As the Commission has recommended, the Aleut people should be compensated in five ways: first, a trust fund should be established for the beneficial use of the Aleuts; second, there should be a per capita payment to each surviving Aleut who was in the camps; third, the village churches damaged or destroyed should be restored and rehabilitated; fourth, the World War II debris should be removed from inhabited areas in the region; and fifth, the Island of Attu should be restored as Native land by appropriate conveyance to The Aleut Corporation. Each of those points will be addressed in more detail by other members of our panel.

These are all reasonable recommendations. Each is designed to provide compensation for specific losses sustained but never redressed until this time.

Under the terms of title III of S. 2116, A/PIA is designated as "Administrator" of two parts of the relief recommended by the Commission. First, A/PIA is assigned the responsibility to establish a trust in the principal amount of $5 million for the beneficial use of the Aleut people. A process is established under the bill for designation of trustees to manage this trust, ensuring that each village has a role in determining how the earnings from the trust will be applied, consistent with the Commission's intent. Second, A/PIA is charged with the responsibility to oversee the rehabilitation and restoration of Aleut churches that were damaged or destroyed, but never fully rehabilitated, in the course of occupation by military forces in World War II.

There is no question that A/PIA is fully qualified to administer these programs under the terms and conditions of an Agreement to be negotiated, as provided in title III of S. 2116 with the Secretary of Treasury. Over the years, A/PIA has taken the initiative of addressing the unique social and cultural problems caused by the World War II dislocation. The Association has long experience in administering social service contracts with the Department of Labor, the Department of the Interior, the Department of Health and Human Services, and other Federal and State agencies.

Mr. Chairman, I submit the two most recent annual reports and independent audits on the financial condition of A/PIA, together with a summary of the program responsibilities of the Association. I ask that these materials be made a part of the subcommittee's record.

Thank you, Mr. Chairman.

Senator **Stevens**. We now have the Governor of Alaska, Governor Sheffield is here. We will be happy to hear your testimony, Governor. Good morning, Bill.

Governor **Sheffield**. Good morning, Senator. How are you this morning? Congratulations on your vote total last evening.

Senator **Stevens**. Thank you.

TESTIMONY OF HON. BILL SHEFFIELD, GOVERNOR, STATE OF ALASKA

Governor **Sheffield**. Mr. Chairman, my name is Bill Sheffield, I'm Governor of the State of Alaska.

It's a pleasure to have this opportunity to present the views of my administration concerning the compensation of Alaska's Aleuts and Japanese-Americans. My testimony will primarily address produring World War II. Through S. 2116, which would accept the findings and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, Congress recognizes the suffering, hardship and irreparable losses of the Aleuts and Japanese Americans. My testimony will primarily address provisions directed at the Alaska Aleuts.

The Aleuts here today will express much better than I could their personal and cultural tragedies that occurred as a result of the U.S. policies. I will briefly summarize the report of the Commission on Wartime Relocation and Internment of Civilians to emphasize the debt owed to the Aleuts and to show that some acts occurred for which no compensation can atone.

In June and July 1942, 881 Aleut citizens of the United States were forced to leave their homes, most on less than 24-hour notice. They were permitted to take with them virtually none of their worldly possessions. Many were held by the Federal Government under conditions described as deplorable by the Commission until as late as April 1945, long after the threat of Japanese aggression had passed.

The Aleuts are a hardy and resourceful people. For some 10,000 years, they have carved out an existence in one of the most physically forbidding parts of our inhabited world, developing in the process a wealth of tradition, racial and cultural pride, and religious faith. Truly some of the first Americans, their contributions to the settlement and development of this continent are thoroughly chronicled and documented.

These proud people were herded into reeking, often unheated quarters and denied proper food, medical care, sanitation privacy, education and the dearest of all American rights, freedom. For 3 years they suffered under these conditions, watching their numbers gradually fall as tuberculosis, pneumonia, and other diseases took their toll. Almost 1 out of every 10 eventually died for reasons related to their internment. Many of those who were lost were the elders who sustained the Aleut culture.

The report of the relocation commission tells how U.S. military occupation forces had pillaged and ransacked the Aleut homes and left their islands dangerously strewn with discarded military paraphernalia and live ammunition. Priceless and irreplaceable icons were gone forever. Family possessions were plundered and destroyed. Homes were unusable or razed and had to be totally rebuilt by the Aleuts, who by this time had few resources at their disposal. Some communities could never be rebuilt. The combined effect of these policies and actions was very nearly the total loss of a people and culture from their ancestoral homeland.

Not only do the Aleuts merit the compensation contained in this bill for their suffering during World War II, but they also deserve assistance from the Federal Government. This assistance would strengthen their community and cultural identity and help them to achieve a lifestyle of their choosing based on traditional values and in their historical homeland.

Without the compensation in S. 2116, Aleuts do not have the resources needed to restore their churches and artifacts and to clear their homeland of the dangerous military debris that threatens their safety and impedes development.

The State of Alaska urges the U.S. Congress to enact S. 2116 which will give the Aleuts the central responsibility in planning for the administering the trust funds and the activities that will restore the communities and the land.

The Aleut people do have the ability to carry out these provisions without the direct on-site management of Federal agencies. The Aleuts have designated the Aleutian/Pribilof Islands Associations to carry out these provisions and it is an organization that has the leadership and management capacity to effectively act on behalf of the beneficiaries of this bill.

In the same manner, the Aleutian/Pribilof Housing Authority has the experience and an effective management that will apply local knowledge and involvement to the cleanup project.

The provision relying upon the local Aleut people for their leadership in implementing S. 2116 is appropriate and is consistent with many other efforts throughout Alaska to look first to entities managed by the local residents to establish their goals and accomplish them.

I want to emphasize that this action by the Congress will not diminish services and capital programs developed and administered by the State of Alaska for the affected communities. The State is enacting its own legislation and taking steps to assist in the development of the economic self-sufficiency and future viability of the Aleutian/Pribilof region.

Our commitment is, and will continue to be, to the present and future development of Alaska. Senate bill 2116 recognizes the United States obligation for specific past actions.

Now, I also wish to express my support for the compensation of Japanese-Americans for their interment and personal losses during the same period. Many of these citizens live in Alaska and contribute greatly to the cultural and economic strength of our State. The injustice that they and their families experienced found World War II can be neither justified nor fully compensated.

I wish you well in the conduct of these hearings and believe you will receive testimony to highlight both the need for these measures and the plans for implementing the measures authorized. I feel hopeful that S. 2116 will receive favorable consideration by this committee and by Congress.

Thank you very much.

Senator **Stevens**. Thank you very much, Governor, I'm delighted that you've come to make a statement on behalf of the State for these hearings, and it will be quite important as we proceed with the considerations of the bill in Washington.

Governor **Sheffield**. Good.

Senator **Stevens**. I'm grateful to you for coming this morning.

Governor **Sheffield**. Thank you very much, Senator, and I hope you have a good day here with the testimony.

Senator **Stevens**. Thank you.

Our next witness is Mr. Agafon Krukoff, president of the Aleut Corp.

TESTIMONY OF AGAFON KRUKOFF, JR., PRESIDENT, THE ALEUT CORP.

Mr. **Krukoff**. First of all, congratulations, Senator for your first victory toward reelection.

My name is Agafon Krukoff, I'm president of the Aleut Corp.

The Aleut Corp. strongly supports all five provisions of title III of S. 2116. However, the last provision of S. 2116, title III, regarding Attu Island, is of special concern to the Aleut Corp., because but for the war, Attu Island would have been in the hands of the Attuans and the Aleut Corp.

Traditionally, Attu had been Aleut land. Were it not for the events of that war and its aftermath, Attu Island would be Aleut land today. The circumstances which kept Attu in the public domain are both profoundly tragic and little known to the general public.

The issue of returning Attu Island may cause some concern to some of those perhaps in the environmental community, but it should be pointed out that in the bill itself, Attu being turned over to the Aleut Corp. addresses the concern of the environment.

As a matter of fundamental fairness and equity, the island of Attu should be conveyed back to the Aleut people under the terms and conditions set forth in title III of S. 2116. That legislation provides, as the Commission recommends, that the Aleut Corp. shall enter into an agreement with the Department of Transportation which will allow the U.S. Coast Guard to continue essential functions on Attu Island.

And the bill provides for more. It requires the Aleut Corp. to enter in a cooperative management agreement with the Secretary of the Interior to protect environmental values on the island. This agreement must be approved by both the Aleut Corp. and the Secretary before the conveyance can occur. The procedures for such an agreement are set forth in ANILCA and it will be consistent with those in force on other privately held lands within Alaskan wildlife refuges.

Attu Island is about 1,100 miles from the tip of the Alaska peninsula, and it's about 45 miles long from east to west, and about 18 miles wide from north to south at its widest point. It is now part of the Aleutian Islands unit of the Alaska Maritime National Wildlife Refuge. At the present time, the U.S. Coast Guard maintains a 24-man LORAN station. The Coast Guard leases 1,800 acres for its station from the Fish and Wildlife Service, and maintains an airstrip served by the Coast Guard's C-130's and Reeve Aleutian Airways Lockheed Electras.

Incidently, the approximate area of that LORAN station is about where the original village of Attu laid at one time.

Reeve Aleutian serves Attu from Shemya Air Force Base under a charter arrangement. On Attu Island a portion of the World War II battlefield has been proposed for addition to the Register of Historic Sites.

Of special concern from the environmental standpoint, Attu Island has a large seabird population nested on the island and many Asiatic species of migratory birds pause there during migration. At least one Asiatic species, the whitetailed eagle, nests nowhere else in North America. Of course, one of the principal purposes of the cooperative management agreement would be to assure that these wildlife values are not destroyed by any development that may occur.

Mr. Chairman, Attu is an important part of the Aleut heritage. The lands were occupied by Aleuts for thousands of years, until 1942. Attu would be Aleut land today. But the Interior Department failed to rehabilitate Attu following the war. The Aleut people should not be denied the benefits of Attu ownership because of the tragic circumstances of the war years. The Commission made a sensitive and proper judgment when it concluded that these lands, so long in Aleut hands, should be returned to the people under procedures which protect the Government's continuing interest in the Coast Guard Station and environmental values that are there.

Mr. Chairman, I will submit for the committee's files a recent map of Attu Island prepared by the U.S. Department of Interior's Geological Survey.

On a personal note, Mr. Chairman, I am from St. Paul Island in the Pribilofs, and my parents were taken to Funter Bay during the war, and I happened to have been born about a month after the St. Paul's people returned to St. Paul in 1944. I urge that the full measure of relief recommended by the Commission be granted, principally for the benefit of the villages themselves and for the people who continue to maintain the Aleut culture and traditions there.

Thank you.

Senator STEVENS. Thank you very much. I appreciate receiving your statement, and we'll look forward to receiving that map also.

[Mr. Krukoff's prepared statement follows:]

Statement of Agafon Krukoff, Jr.
President
The Aleut Corporation
Before the Subcommittee on Civil Service,
  Post Office and General Services
Committee on Governmental Affairs
U.S. Senate
Anchorage, Alaska
August 29, 1984

Statement in Support of Title III of S. 2116

Mr. Chairman, Members of the Subcommittee, my name is Agafon Krukoff. I am President and Chief Executive Officer of The Aleut Corporation, the Aleut regional business corporation established under the terms of the Alaska Native Claims Settlement Act of 1971.

One of my responsibilities is the management of lands conveyed to the corporation by that landmark legislation. Another is to make investments and secure earnings for the Aleut shareholders of our corporation. The success of our enterprise will mean greater economic security for the Aleut people.

I am here, Mr. Chairman, to discuss one specific recommendation of the Commission which is implemented by title III of S. 2116. That recommendation is for Congress to declare Attu Island to be Native land and to direct that the island be conveyed to the Aleut people through The Aleut Corporation.

The basis of this recommendation may be stated in one sentence: Traditionally, Attu has been Aleut land and were it not for the events of World War II and its aftermath, Attu Island would be Aleut land today. The circumstances which kept Attu Island in the public domain are both profoundly tragic and little-known to the general public. I will summarize those circumstances.

On June 8, 1942, units of the Imperial Japanese Army made an unopposed landing at Holtz Bay on Attu Island. The main force attacked the undefended Aleut village at 7:30 a.m. Forty-two Aleut citizens of the United States and two Indian Service employees were taken prisoner. One of the Aleut elders died in July and was buried on Attu. The remaining Aleuts were taken from Attu in September and transported to Hokkaido Island in Japan, there to remain prisoners of war until they were discovered by American occupation forces in 1945.

The AIS employees were Mr. and Mrs. Foster Jones, a non-Native couple in their mid-60's. Mr. Jones died at the hands of the Japanese on the first night of his capture. His wife was transported to Yokohama and remained their under detention until after V-J Day.

When the Attuan people were repatriated from detention in Japan, they were not rehabilitated to their home island. Instead they were involuntarily merged for the convenience of the Interior Department into the Village of Atka. This failure resulted in their loss-of-right when land selections were made following enactment of the Land Claims Settlement Act.

As a matter of fundamental fairness and equity, the Island of Attu should be conveyed back to the Aleut people under the terms and conditions set forth in title III of S. 2116. That legislation provides, as the Commission recommends, that The Aleut Corporation shall enter into an agreement with the Department of Transportation which will allow the U.S. Coast Guard to continue essential functions on Attu Island.

Mr. Chairman, the bill provides more. It requires the Corporation to enter into a cooperative management agreement with the Secretary of the Interior to protect environmental values on Attu Island. This agreement must be approved by both The Aleut Corporation and the Secretary before the conveyance can occur. The procedures for such an agreement are set forth in the Alaska National Interest Lands Conservation Act, and it will be consistent with those in force on other privately held lands within Alaskan wildlife refuges.

Attu Island is about 1,100 miles from the tip of the Alaska peninsula. It is about 45-miles long, from east to west, and about 18-miles wide, from north to south at its widest point. It is now part of the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge. At the present time the U.S. Coast Guard maintains a 24-person LORAN station on Attu. The Coast Guard leases 1,800 acres for its station from the Fish and Wildlife Service, and maintains an airstrip served by Coast Guard C-130's and Reeve Aleutian Airways Lockheed Electras. Reeve

Aleutian serves Attu from Shemya Air Force Base under a charter arrangement. On Attu Island a portion of the World War II battlefield has been proposed for addition to the Register of Historic Sites.

Of special concern from an environmental standpoint, Attu Island has a large seabird population nested on the Island and many Asiatic species of migratory birds pause there during migration. At least one Asiatic species, the white-tailed eagle, nests nowhere else in North America. Of course, one of the principal purposes for the cooperative management agreement will be to assure that these wildlife values are not destroyed by any development that may occur.

Mr. Chairman, Attu Island is an important part of the Aleut heritage. The lands were occupied by Aleuts for thousands of years -- until 1942. Attu would be Aleut land today. But the Interior Department failed to rehabilitate Attu following the war. The Aleut people should not be denied the benefits of Attu ownership because of the tragic circumstances of the war years. The Commission made a sensitive and proper judgment when it concluded that these lands, so long in Aleut hands, should be returned to the people under procedures which protect the government's continuing interest in the Coast Guard station and the environmental values that are there.

Mr. Chairman, I submit for the committee's files, a recent map of Attu Island prepared by the U.S. Department of Interior's Geological Survey.

On a personal note, Mr. Chairman, I am from St. Paul Island in the Pribilofs, and my parents were at Funter Bay's abandoned fish cannery, on Admiralty Island, during World War II. I was born shortly after their return to St. Paul. I urge that the full measure of relief recommended by the Commission be granted, principally for the benefit of the villages themselves, and for the people who continue to maintain the Aleut culture and traditions there.

Senator **Stevens**. Our next witness if Father Paul Merculief, who's the chairman of the Aleutian Housing Authority. Good morning, Father.

TESTIMONY OF REV. PAUL MERCULIEF, CHAIRMAN, ALEUTIAN HOUSING AUTHORITY

Reverend **Merculief**. Good to see you again, Senator. Mr. Chairman, members, my name is Paul Merculief. I'm a Russian Orthodox priest in the village of Nikolski, and I also serve as the chairman of the Aleutian Housing Authority, the regional Native housing authority for the Aleut region established pursuant to the laws of the State of Alaska.

I should like to address a number of the Commission's recommendations as contained in title III of S. 2116, the bill offered by the bipartisan Senate sponsors and Congressman Don Young of Alaska. The bill differs from the Commission's proposals in only two material ways. First, title III of S. 2116 provides that each surviving Aleut shall receive an individual payment of $12,000, rather than the $5,000 payment recommended by the Commission. The sponsors have adopted this per capita payment to recognize more fully the Aleuts' terrible suffering in the camps, and deaths sustained by nearly every family as a result of the conditions there.

There are other reasons for increasing individual payments. The Aleuts unquestionably have the right to compensation for the use of their homes by military personnel during the war. As early as 1913 the Court of Claims recognized this right, but the Aleut people have never received any payment for the use of their homes to billet troops. Additionally, the bill more nearly compensates families for lost property that was not replaced or paid for in the haphazard restitution program following the war.

Second, the bill differs from the Commission's recommendations because it provides per capita payments to each of the five surviving Attuans who suffered as prisoners of the Japanese. The Aleut community strongly recommends that these few people, who really endured the most, be granted this relief in recognition of their sacrifices as slave laborers in the bentonite mines of Hokkaido Island, Japan. They perservered through it all and then returned to find that their Government would not return them to their home island on Attu.

Mr. Chairman, the Commission recognized the losses sustained by the Aleut communities when their churches were damaged or destroyed. The people maintained in their churches and homes religious articles of the highest value to them. A number of these church utensils and icons were originally brought from Tzarist Russia. They were taken for sourvenirs or destroyed by fire or weather damage. Under the pending bill, a careful inventory would be taken of these losses. There would be efforts made to restore or replace church utensils, the icons, and the structures themselves to their condition before the war.

The proposals for church reconstruction and restoration would be subject to review by an independent panel of Federal officials. The plans would be developed in the first instance by A/PIA, Aleutian/Pribilof Islands Association, and the construction work itself would be under the direction of the Aleutian Housing Authority. The Aleutian Housing Authority, of course, has the most extensive experience in construction work throughout the region. Mr. Chairman, I submit for the hearing record an organizational description and most recent annual report and independent audits of the Aleutian Housing Authority. This report demonstrates the competence and in-depth experience of the Aleutian Housing Authority in major construction activities.[2]

The problem of World War II debris in the Aleutian area has long been recognized as a serious problem. The U.S. Army Corps of Engineeers has recommended a clean-up program, and the corps has completed an environmental impact statement on the project, but it has never been authorized or funded by Congress.

Mr. Chairman, the World War II debris is more than unsightly. It can be dangerous. I submit for the subcommittee's hearing record an article from the Anchorage Times of August 14, 1979, which reports that a young boy suffered serious injuries to both hands when he found an antitank mine detonated from the World War II debris in the Cold Bay area.[3] The Commission has recommended that Congress authorize at least a minimal cleanup of this debris in populated areas of the Aleutian Island Chain, and the bill that we support will give the Aleutian Housing Authority preference as prime contractor for this work. To say the least, it is long overdue. Of course, the work would be done in only consultation with the affected villages.

Mr. Chairman, over the years I have attempted to evaluate the cultural impact of World War II relocation experience on my people, the Aleuts. It was more severe than the impact an Army or Air Force base had on nearby communities in the lower 48. The Aleuts were relocated to camps where most of their traditional leadership perished before they could return to their homes. The loss of these elders, in many communities, also resulted in the loss of skills that had been passed down from generation to generation, usually orally. Let there be no mistake. The Aleut people are survivors, but the impact of this experience was profound and lasting.

If it is established as the Commission has suggested, I believe that the trust fund can be used effectively to finance projects that will enhance traditional Aleut crafts and other important cultural values. The improverished young can be educated; the elderly can be better cared for in their last years. The preservation of the language can be undertaken. There are many initiatives that will help reverse the destructive trends that originated in World War II camps.

This concludes my testimony. And I would like to submit for the record the statement of Mr. William Ermeloff of Nikolski, who is the president of the Chuluka Corp. there. And he, unfortunately, couldn't be here at this time, so I will submit his testimony for the record.[4]

Senator **Stevens**. Thank you very much, Father. We will print the statement of Mr. Ermeloff.

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[2] The report referred to may be found in the files of the subcommittee.

[3] The article referred to may be found in the files of the subcommittee.

[4] See p. 662.

Reverend MERCULIEF. Thank you.

Senator STEVENS. I appreciate that very much. Out next witness then will be Mr. Vincent Tutiakoff.

TESTIMONY OF VINCENT TUTIAKOFF, REPRESENTING UNALASKA VILLAGE

Mr. TUTIAKOFF. Mr. Chairman, members of the subcommittee, my name is Vincent M. Tutiakoff. I serve as a member of the board of directors of the Aleut Corp. and have served as a past president of the Unalaska Corp., the village corporation established under the terms of the Alaska Native Claims Settlement Act of 1971 for the village of Unalaska. I've also served as a member of the Unalaska City Council.

Mr. Chairman, the village Unalaska, across the inlet from Dutch Harbor on Unalaska Island, was the last Aleut village to be evacuated from the Aleutian Chain. Our community was evacuated on July 19, 1942. The Aleuts were taken aboard the Alaska Steamship Line SS *Alaska,* together with only such portable baggage as the people could carry. The directive extended to all persons who were so much as one-eighth Native blood, but the employees of the Seims-Drake Puget Sound Co., engaged in military construction projects, were exempt from the order.

The Unalaska community, some 111 Aleuts in number, arrived aboard the *Alaska* at Wrangell Institute on July 26 and remained there until August, when they were taken to abandoned fish cannery facilities at Burnette Inlet on Etolin Island. Initial facilities at Burnette Inlet consisted of 11 rundown and dilapitated cottages and one large bunkhouse, but the people constructed more cottages from lumber that was available.

The Unalaska Aleuts remained in Burnette Inlet until April 1945. One of the findings of the Commission, of course, was that the Aleuts were required to remain in the temporary camps long after any danger to their communities from wartime operations had passed. The failure of the Interior and the military authorities to rehabilitate the villages in 1944 contributed to substantial losses sustained by the Aleut villagers in those war years.

Mr. Chairman, the documentation of looting and destruction of the Unalaska Village while the people were away is extensive. According to an official memorandum for the commanding general, dated January 12, 1944, these were the conditions in the Unalaska Village, and I quote:

> Trespassers came from all branches of the service represented in this locality and from servicemen passing through here on boats. Perhaps the greatest loss to the Aleuts' personal property occurred at the time the Army conducted its cleanup of the village in June of 1943. Large numbers of soldiers were in the area at the time . . . and many houses were entered unofficially and souvenirs and other articles were taken.
>
> Most of the Native families had rifles, shotguns, small boats and fishing gear. These items, along with radios, phonographs, ivory articles and photographs, have been most frequently taken. It is probable that some of the furniture found in the Army and Navy quarters came from the Aleut houses. Damages to houses has consisted principally of broken locks, doors and windows.

Mr. Chairman, this documentation from military records of the time is also found in other villages to a greater or lesser degree.

The personal property losses of the Aleuts in other words are not based upon the Aleuts' recollection alone.

The Commission's recommendations are carefully tailored to reflect the actual losses sustained by the Aleut people in the war years as a result of the negligence of both military and civilian government officials and employees.

On behalf of the people of the Unalaska, Mr. Chairman, I respectively request that your subcommittee consider favorably the bill offered by the Senate sponsors and by Congressman Don Young of Alaska.

Thank you, Mr. Chairman.

Senator STEVENS. Thank you very much, Mr. Tutiakoff, and if you have any other of those historical references to military documents, we would very much like to have them.

Our next witness is John C. Kirtland, the special counsel to the Aleutian/Pribilof Islands Association, Aleutian Corp. and the Aleutian—Aleutian Housing Authority.

Mr. KIRTLAND. Good morning, Senator.

Senator STEVENS. Good morning. We're running well ahead of time, Mr. Kirtland. You may have such time as you wish. I think you have a considerable amount of information which would be of great importance, so don't feel constrained by my prior comments about time.

Mr. KIRTLAND. Yes, sir.

Senator STEVENS. We would like to have as much of your testimony as possible.

TESTIMONY OF JOHN C. KIRTLAND, ATTORNEY, BISHOP, LIBERMAN, COOK, PURCELL & REYNOLDS, WASHINGTON, DC

Mr. KIRTLAND. Thank you, Mr. Chairman. At the conclusion of my prepared remarks and my organized comments, if the Chair would prefer, I know that the Aleuts leadership witnesses would be pleased to join me to answer any questions that you might have. I do realize that we are running ahead of schedule and certainly the leadership witnesses would be prepared to respond to any questions or offer further comments on the conditions that obtained in the World War II era at your convenience.

Mr. Chairman, my name is John C. Kirtland. I practice law in Washington, DC, with the firm of Bishop, Liberman, Cook, Purcell & Reynolds. Our firm represents the Aleut people of Alaska in their continuing effort to obtain just compensation for the losses sustained during World War II.

Mr. Chairman, our firm was retained more than 6½ years ago on the matter of the Aleuts' treatment in World War II. The Aleutian/Pribilof Islands Association asked us to research the facts and the law, and to make recommendations to Congress for the restitution for the Aleut people, in consideration of the claims still pending as a result of the wartime dislocation in the Pribilofs and in the Aleutians. Now, thanks to your personal leadership, Senator Stevens, the mandate of the Commission on the Wartime Relocation and the Internment of Civilians, which I'll refer to as the "Commission," which was established by Congress in 1980, that mandate was expanded by your amendment to include an investigation into the Aleuts' treatment by their Government in World War II.

Now, after that Commission was established, along with its staff it conducted extensive and exhaustive research on the Aleut matters. The Archives of the United States and the files of the relevant agencies of the U.S. Government were combed for evidence. Our own law firm's research paralleled that of the Commission and its staff, and together our firm and the Commission and its staff uncovered an incredible sequence of events, never before reported to Congress or the American people up to that time.

Now, in addition to the archival research which was conducted, the Commission held 3 days of hearings in Alaska, in Anchorage, Alaska, Dutch Harbor, and in St. Paul. Scores of Aleut witnesses, many of them here today, provided their personal recollections to the Commission in those hearings. And the Aleutian/Pribiloff Islands Association, through Chairman Phil Tutiakoff, whom we heard from earlier, and our own law firm, presented the Commission with the results of our research, an effort that had spanned at that time more than 3½ years. Now, Mr. Chairman, the Aleutian/Pribilof Islands Association's materials gleaned from the Archives of the United States consisted of documentary evidence. It was organized into eight volumes, indexed and cross-referenced for convenient use. And those eight volumes of evidence, together with the index and the cross reference for your convenient use, have been submitted to your staff of your committee for the reference files, and they are available at this time. And I would point out, Mr. Chairman, you had indicated to Vince Tutiakoff that you would like to have the documentary evidence as specifically relating to the conditions in the villages while the Aleuts were away, while the villages were occupied by the military forces, and all of that documentary evidence now, indexed and cross referenced, is available and has been submitted to your committee's staff. So we hope that that information will supplement the hearing records of today, sir.

Now, the Commission ultimately reported to Congress in January and June of 1983. And as the Commission's reports make plain, the facts and the circumstances of the Aleuts' treatment in World War II are well documented and they are not in dispute. The record of injustices suffered by the Aleut people is based almost entirely upon contemporary U.S. Government correspondence, memoranda and other official documents, which as I have indicated have been made available to your committee's staff, sir.

Now, the Aleut villages of St. Paul and St. George in the Pribilofs, and the Aleut villages of the Aleutian Islands Chain west of Unimak Island were all evacuated within 60 days of the fall of Attu and Kiska on June 7 and 8, 1942. The Commission concluded that the evacuation of the 881 Aleuts from those six villages together with Kashega, Makushin, and Biorka, which three villages have not been rehabilitated, the Commission concluded that the evacuation from those villages was a rational wartime measure designed to protect civilians in an active theater of war—and the Aleutian/Pribilof Islands Association and the Aleut leadership does not challenge that finding.

You see, Mr. Chairman, the Aleuts' case for compensation under the laws and traditions of our country derives not from the relocation orders of the military authorities and the Alaska Defense Command. The Aleuts' case in law and equity for compensation derives rather from the treatment which these people suffered at the hands of their Government following the evacuation. Now, the Aleuts were transported as we know to temporary camps in southeastern Alaska. These were civilian administered camps, not by the military. They were administered by the U.S. Department of the Interior. Two of the camps were administered by the Fish and Wildlife Service, and the other three camps were administered by the Office of Indian Affairs, now the BIA. Now, these camps were established by the Department of the Interior in fish canneries, which were abandoned, in an abandoned gold mine, and in an abandoned CCC camp. And as has been stated earlier by Governor Sheffield, the conditions in those camps were deplorable.

Mr. Chairman, the people in these camps suffered from inadequate medical care, from inadequate shelter, from inadequate sanitation facilities, and other life-threatening conditions. The people were very crowded in these camps. Extremely crowded in these camps, and the conditions as I say were life threatening. Not only that, but transportation in and out of the camps for the most part was controlled by the DOI supervisors on the scene. You could not come or go from the Funter Bay camp, which was on Admiralty Islands, to Juneau or anywhere else unless you had the explicit permission of the Fish and Wildlife Service employees. Without that permission, you were there and you stayed there.

You might be surprised that these conditions existed in the Territory of Alaska—then the Territory of Alaska, for so long without much notice. There was a reason for that, Mr. Chairman. As the documentary evidence which has been submitted to your committee makes absolutely clear, the reason these conditions were not known to the people of the Territory of Alaska or to the people in the lower 48 was because at that time in Alaska military censorship controlled personal correspondence in and out of Alaska, as well as press reports coming in and out of Alaska. And military censorship was used to restrict information on the conditions in these Aleuts' camps. Now, the Attorney General of the Territory, Henry Roden, made a personal inspection of the Funter Bay camp. Territorial health officials, Bonita M. Block, M.D., made a personal tour of the Funter Bay camp and other camps. And they could not believe the conditions they found. But because of the military censorship which then obtained in Alaska, the word never reached the public. There was no way that an appeal could be made.

Now, the delegate to Congress was then named Henry Dimond and the delegate from Alaska to Congress received some letters from some of the camps, which letters we have included in the documentary evidence. One woman from Unalaska wrote to Delegate Dimond and said, "The conditions here are terrible in this camp. I want to go home. There's no more threat from the Japanese in my home village of Unalaska. I want to go home to Unalaska." Well, Delegate Dimond did what he could; but before the people of Unalaska were repatriated from Burnett Inlet on Etolin Island back to Unalaska, this lady, Martha Newell, had died. At least I think her remains were returned to Unalaska for burial. At least I hope so.

Now, Mr. Chairman, the Commission was aghast at the conditions that they found were in these camps, and so they made five recommendations in June 1983 to Congress for compensation. And those five recommendations are incorporated in the legislation pending before your committee. As you know, Mr. Chairman, just to briefly review, the five elements recommended by the Commission were:

First, that a trust fund should be established for the beneficial use of the Aleut people.

Second, the Government should provide individual compensation to each affected Aleut who is surviving today.

Third, funds should be made available to rehabilitate the churches and restore church property that was damaged or destroyed during the war.

Fourth, the hazardous wartime debris remaining in populated areas should be cleaned up. In populated areas should be cleaned up.

And, fifth, the island of Attu should be restored to the Aleut people as traditional Native land as it was for many thousands of years before 1942.

Well, thanks to your leadership, Mr. Chairman, in cooperation with Senator Inouye, Senator Matsunaga, and Senator Murkowski, the recommendations of the Commission are now pending before Congress as title III of S. 2116. And we wish to acknowledge the close cooperation and support of Congressman Don Young and Senator Frank Murkowski. As you know, legislation identical to your title III was introduced as a separate bill in the House by Congressman Young as H.R. 4322. And, of course, Senator Murkowski has cooperated and worked closely with you and he serves as a cosponsor of S. 2116.

Now, Mr. Chairman, the members of your committee and the people of Alaska should recognize that you personally have taken action already to implement at least one of the Commission's five recommendations. In your role as a ranking member of the Senate Appropriations Committee, the record should show that money already has been appropriated to fund an environmental impact study of the World War II debris clean-up project along the Aleutian Island Chain. As you recall, that money was appropriated in 1978 for the EIS through your amendment, and the EIS for the clean-up of the World War II debris was completed and published by the U.S. Army Corps of Engineers in September 1979. And the fact that the EIS has already been published on the clean-up projects in the Chain and the Lower Alaska Peninsula means, Mr. Chairman, that there remain no legal impediments to immediate action on this clean-up project.

Not only that, Mr. Chairman, the clean-up project has already begun. For the record of this committee, your amendment, No. 65 to the Department of Defense Appropriations Act, provided $150 million for an environmental restoration account at DOD to design and fund hazardous waste disposal projects, and for the demolition and debris removal from abandoned military installations when a threat to public safety is posed by that debris.

Now, Mr. Chairman, we understand from General Higman, the division engineer in Portland, that the Corps of Engineers now has available funds to award for the cleanup of military debris and related waste disposal projects in a number of locations in Alaska. We further understand that two projects are scheduled for prompt action in the Aleutian region: The cleanup of military debris in the Unalaska/Dutch Harbor area and in the Cold Bay area. And, of course, other Alaska projects are pending as well and are scheduled for completion as soon as practicble.

Mr. Chairman, I submit for the hearing record a summary of the two projects which have been submitted for bid by the district engineer in Anchorage, one for the Cold Bay area and one for the Unalaska/Dutch Harbor area. These are summaries from the Corps of Engineers of these two projects. The bid date is September 18, 1984, at 3 p.m., at the Office of the District Engineer. These two projects implement the first phase of one of the five recommendations of the Commission, and we are very pleased, needless to say, to see that your environmental restoration fund is being used for such an important project in the State of Alaska.[5]

As Father Paul has stated, Mr. Chairman, these cleanup projects are urgently needed. Father Paul has already submitted for the hearing record an article from the Anchorage Times of August 14, 1979, which describes how a young child from the Cold Bay area lost part of his hand that was blown off when he found some live ammunition in a field that he was playing in near the town.

With this project which is being funded this year, Mr. Chairman, we hope that those hazards will be eliminated in the Cold Bay and the Dutch Harbor area, and we hope that the plan can go forward to clean up the debris in other inhabitated areas in the lower Alaska Penninsula and in the Aleutians.

Now, Mr. Chairman, you have heard from the leadership witnesses representing the Aleutian/Pribilof Islands Association, the Aleut Corp., and the Aleutian Housing Authority. Later today, of course, you'll hear from panels of witnesses from the respective villages. The Aleut leadership supports the thrust of title III of S. 2116.

There has been discussion among the Aleut people, of course, from the very beginning. As you know, Mr. Chairman, the Aleut people, through their leadership and through representatives from each of the villages, made significant and substantive comments to you as the legislation was being drafted. As you know, before you introduced the bill, S. 2116, that draft language was circulated among the Aleut leadership, it was circulated in a number of the villages where it was possible to do so, and all of the Aleuts had an opportunity at that time to comment on the language before it was introduced.

We think that your legislation which is pending before this committee today accomplishes one extremely significant and important thing above and beyond the restitution. We believe that it retains as much possible control of the disposition of the restitution or the reparations as it's possible to do within the Aleut community. A board of trustees, which would be seven Aleuts, would be appointed for the purpose of managing the trust fund, and so forth. The restoration and rehabilitation of the churches would be essentially under the control of the Aleut people in the communities, and it would not be under the control of bureaucrats in Washington. So we hope that the legislation, as you have offered it, reflects some sensitivity as Governor Sheffield pointed out to the exercise of local control over many of these rehabilitation projects.

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[5] The information referred to may be found in the files of the subcommittee.

Now, Mr. Chairman, today's hearing is indeed a milestone in the effort to obtain compensation for the losses sustained by the Aleut people during World War II.

As you know, extensive work was done to submit a case to the Commission. The Aleut leadership has already testified before the House committee. Today marks the day when the U.S. Senate receives the testimony of the Aleut people on this subject matter.

So with today's hearing, the case will be in, the record will be closed, and the Congress will have the opportunity to work its will on the legislation.

Mr. Chairman, two very important parts of the record of the Aleuts' treatment in World War II consist of a narrative which was prepared in consultation with the Aleutian/Pribilof Islands Association of the relocation and internment of the Aleuts during World War II. This narrative, which is double spaced, about 90 pages in length, is footnoted to the evidence volumes which have been submitted to your committee. And it gives a narrative account of the treatment of the Aleuts in their relocation and while they were in the camps, and the conditions in their villages after they returned. And I ask that this narrative be made a part of the record, sir, so that it can be available to all of the committee members.[6]

And then, Mr. Chairman, our firm has also prepared a memorandum of law on the relocation and the internment of the Aleut people during World War II, "A Case in Law and Equity for Compensation." This document, Mr. Chairman, identifies the precedents in the Court of Claims, precedents in direct congressional action, which parallel the relief which is reflected in your bill, and it cites the principal case authorities and the principal statutory authorities which could be used as precedent for the action recommended in title III of S. 2116. And I ask that this document be made a part of the record as well.[6]

Senator Stevens, all of us appreciate your consistent support from the beginning. We've appreciated your good counsel and your personal commitment to the fair and equitable treatment of these citizens. We look forward to working closely with you when Congress returns in September for its final session.

Mr. Chairman, this concludes the prepared statements which the Aleut leadership witnesses have submitted. We will be more than pleased as a panel to respond to any questions that you might have at this time.

[Mr. Kirtland's prepared statement follows:]

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[6] The information referred to may be found in the files of the subcommittee.

Statement of John C. Kirtland, Esquire
BISHOP, LIBERMAN, COOK, PURCELL & REYNOLDS
Before the Committee on Governmental Affairs
United States Senate
Courtroom No. 2, Old Federal Building
Anchorage, Alaska
August 29, 1984

THE ALEUT EXPERIENCE IN WORLD WAR II

Mr. Chairman, my name is John C. Kirtland, I practice law in Washington, D.C. with the firm of Bishop, Liberman, Cook, Purcell & Reynolds. Our firm represents the Aleut people of Alaska in their continuing effort to obtain just compensation for the losses sustained during World War II.

Mr. Chairman, we were retained more than six years ago on the matter of the Aleuts' treatment in World War II. The Aleutian/Pribilof Islands Association asked us to research the facts and the law, and to make recommendations to Congress for restitution for the Aleut people, in consideration of the claims still pending as a result of the wartime dislocation in the Pribilofs and Aleutians. Thanks to your personal leadership, Senator, the mandate of the Commission on Wartime Relocation and Internment of Civilians (the "Commission"), established by Congress in 1980, was expanded to include an investigation into the Aleuts' treatment by their government in World War II.

The Commission and staff conducted exhaustive research on the Aleut matters. The Archives of the United States and the files of the relevant agencies were combed for documentary evidence. Our law firm's research paralleled that of the

Commission. Together we uncovered an incredible sequence of events, never before reported to Congress or the American people.

In addition to the archival research, the Commission held three days of hearings in Alaska -- in Anchorage, Unalaska/Dutch Harbor, and St. Paul. Scores of Aleut citizens provided their personal recollections of the wartime era. The Aleutian/Pribilof Islands Association, through Chairman Philemon Tutiakoff and our law firm, presented the Commission with the results of our research, an effort that had spanned more than three and one-half years. Our materials consisted of documentary evidence organized into eight volumes, indexed and cross-referenced. Mr. Chairman, these evidence volumes have been provided to your committee's staff for reference and possible use in evaluating the pending legislation.

The Commission reported to Congress in January and June of 1983. As those reports make plain, the facts and circumstances of the Aleuts' treatment in World War II are well documented and not in dispute. The record of the injustices suffered by the Aleuts is based almost entirely upon contemporary U.S. government correspondence, memoranda and other official documents.

Mr. Chairman, the Aleut villages of St. Paul and St. George in the Pribilofs, and the Aleut villages of the Aleutian Island Chain west of Unimak Island were evacuated within sixty days of the fall of Attu and Kiska to Japanese forces in June of 1942. The Commission concluded that the evacuation of some 881 Aleuts from these villages was a rational wartime measure designed to protect civilians in an active theater of war -- and we do not challenge that finding.

The Aleuts' case for compensation derives not from the relocation orders by military commanders on the scene, but rather from the treatment suffered at the hands of the government following evacuation. The Aleuts were transported to temporary camps in Southeastern Alaska, established by the Department of the Interior in abandoned fish canneries, an abandoned gold mine, and an abandoned CCC camp. The conditions were deplorable.

Mr. Chairman, the people in these camps suffered from inadequate medical care, from inadequate shelter, from inadequate sanitation facilities and other life-threatening conditions. For the most part the camps were isolated: Transportation in and out was controlled by government supervisors. The people were impoverished. The press and correspondence from Alaska to the lower-48, and press reports within the territory, were subject to military censorship. So the concern and outrage felt by witnesses, such as the territory's attorney general and the officials of the Public Health Service, was never communicated to the outside world.

Food was adequate to sustain life. But the complete breakdown of other services resulted in epidemics of disease that ravaged the camps. The very old, and the very young, in particular, could not survive. More than ten percent of all the people died while in these camps that were established for their "care."

While the Aleuts were in the camps, their homes and community buildings back in the villages were occupied by military forces under the Alaska Defense Command. In these remote outposts, the local commanders lost all control of the troops. U.S. military Boards of Inquiry determined that the Aleuts' homes and personal property, left behind out of necessity, were ransacked and looted by U.S. military personnel. Their churches were desecrated, and religious icons of immense cultural value were taken as souvenirs. Incredibly, the situation in all the villages was the same. There was not a single village where the local commanders were able to protect the Aleuts' property, as it was their duty to do.

Mr. Chairman, the Commission has correctly concluded that no effective system of records exists by which to estimate exactly the Aleuts' uncompensated losses. And no dollar value can be placed on the suffering and death. Therefore, traditional claims procedures have been rejected in favor of direct Congressional redress for the grossly negligent treatment suffered by the Aleuts while under the dominion and control of government officials in that difficult period.

The Commission has recommended restitution in five parts: First, a trust fund should be established for the beneficial use of the Aleut people. Second, the government should provide individual compensation to each affected surviving Aleut citizen. Third, funds should be made available to rehabilitate the churches and restore the church property damaged or destroyed during the war. Fourth, the hazardous wartime debris remaining in populated areas should be cleaned up. And fifth, the Island of Attu should be restored to the Aleut people as traditional Native land.

Thanks to your leadership, Mr. Chairman, the recommendations of the Commission are pending before Congress as title III of S. 2116, the bill that is the subject of this hearing. In addition to your personal efforts, we wish to acknowledge the close cooperation and support of Congressman Don Young and Senator Frank Murkowski. As you know, legislation identical to title III of S. 2116 was introduced as H.R. 4322 by Congressman Young, and Senator Murkowski serves as a cosponsor of S. 2116.

Mr. Chairman, the members of your committee and the people of Alaska should recognize that you have taken action to implement in some measure one of the Commission's five recommendations. Under your leadership as a ranking member of the Senate Appropriations Committee, the money was appropriated to fund an Environmental Impact Study of the World War II debris cleanup project along the Aleutian Island Chain. That EIS was published by the U.S. Army Corps of Engineers in September 1979. Thus there are no legal impediments to immediate action on the cleanup project.

Not only that, the cleanup project has already begun. For the record of this committee, Mr. Chairman, your Amendment No. 65 to the Department of Defense Appropriations Act provided $150 million for an Environmental Restoration account to design and fund hazardous waste disposal projects, and for demolition and debris removal from abandoned military installations, when a threat to public safety is posed by that debris.

We understand from General Higman, the Division Engineer in Portland, that the Corps of Engineers now has available monies to award for the cleanup of military debris and related waste disposal projects in Alaska. We further understand that two projects scheduled for prompt action are the cleanup of military debris in the Unalaska/Dutch Harbor area, and in the Cold Bay area. Other Alaska projects are scheduled as well.

These various cleanup projects are urgently needed. I submit for the hearing record an article which appeared in the

Anchorage Times of August 14, 1979. The article reports that a young child in the Cold Bay area lost part of his hand when he dropped the detonator portion of a World War II anti-tank mine that he found while playing in the fields near the town. Thanks to your leadership and personal efforts, Mr. Chairman, these extremely hazardous conditions soon will be eliminated in the Dutch Harbor and Cold Bay areas -- and with full funding of the environmental restoration project, these hazardous conditions soon will be eliminated from the entire Alaska region.

Mr. Chairman, today's hearing includes testimony from the Aleut leadership and from representatives of each of the affected Aleut villages. The Aleut leadership and the village representatives support title III of your bill to implement the Commission's recommendations.

Today is a milestone in the Aleuts' efforts to obtain what each citizen deserves and expects from his or her government. That is simply fair treatment, and fair compensation for property that is impressed into government service in time of war or peace.

Today the Aleut people complete their case for restitution. They have conducted their own research. The independent, blue-ribbon Commission has concluded its inquiry and made specific recommendations. The Aleuts' testimony is before the House of Representatives, and now, before the United States Senate.

The record is compelling and complete. That record is summarized in two documents which I submit at this time. The first document is the narrative of the Aleuts' relocation and treatment in the camps, as prepared by our firm and submitted to the Commission. The second is a Memorandum that outlines the case in law and equity for compensation of the Aleuts' claims.

Mr. Chairman, I ask that these two papers be included in the hearing record of this committee.

Senator Stevens, all of us appreciate your consistent support from the beginning. We have appreciated your good counsel and your personal commitment to fair and equitable treatment of these citizens. We look forward to working closely with you when Congress returns in September for its final session of the year.

Thank you, Mr. Chairman.

Senator STEVENS. Yes, I would like to have the rest of them join you again, Mr. Kirtland, now. This will really be the first of a series of panels. After the testimony of the leadership panel, we then go to the individual villages.

Let me ask you this: Following World War II, there was passage of a bill that did assist Japanese-Americans to recover some of their losses. Was that bill at all applicable to the Pribilof Island people?

Mr. KIRTLAND. No, sir.

Senator STEVENS. Has there been any compensation of any kind in the past for the people who were relocated for either their personal losses or their property losses?

Mr. PHILEMON TUTIAKOFF. Mr. Chairman, those of us in Unalaska who could not move into our homes because they had been vandalized received replacements in the form of two 16 by 20 woodframe Army cabañas, and they contained furniture for a home, a bathtub and toilet facilities and other building material. But it was up to us to create a home out of those things. There had been some talk of some moneys that came out of President Roosevelt's contingency fund. Somebody had computerized or derived the amount of $11.50 per person that was evaculated as compensation. None of that reached any of us. The only material replacement was that that I mentioned. And I can only speak for Unalaska.

Mr. KIRTLAND. Mr. Chairman, if I may comment on your question, there was never any legislative relief provided by Congress for the Aleut people as a result of the experiences that they had in World War II to my knowledge. There were administrative actions taken within the Department of the Interior to provide some sort of haphazard replacement here and there of some furniture. Occasionally there was discussion in the archival evidence which remains of the use of moneys from President's Roosevelt's discretionary wartime emergency account to provide some compensation for both the U.S. Government officials and the Aleuts who were dislocated by the wartime events.

The best evidence that is available is in the Commission's report on the aleuts' situation as to what moneys administratively were made available. But the Commission itself, as we have concluded, the Commission itself unanimously concluded that the compensation, haphazard as it was, could not possibly approach the losses that were sustained by the Aleut families individually and by the Aleut community as a whole it was less than pennies on a dollar. And it was not organized. It was not an organized effort.

Senator STEVENS. Have any of you ever discussed with the Japanese-American community the separation of the bills in the House? Congressman Young's bill is separate in the House and ours is together in the Senate. When I was in Los Angeles 10 days ago, there was an inquiry of whether we were going to proceed separately or together. It would be agreeable with me to proceed either way. It does seem that the separate bill makes some sense. Has that been discussed by your leadership with the Japanese-American community?

Mr. KIRTLAND. Let me address that first, and then I'd like to turn the microphone over to Phil if I may, Senator.

As you know and as you've stated, the bills are separate in the House of Representatives. We had our testimony in the House subcommittee, chaired by Congressman Sam B. Hall of Texas, on June 21 of this year. We also had in-depth discussions with Congressman Don Young and with Mr. Bill Shaddock who is the staff director of the subcommittee of jurisdiction in the House.

The Japanese-American leadership asked for additional hearings later this fall after the conclusion of the June hearings. The Aleut leadership——

Senator STEVENS. On your bill?

Mr. KIRTLAND. Sir?

Senator STEVENS. On your bill or their bill?

Mr. KIRTLAND. No, well on the Japanese-American question, yes. The Japanese-American leadership in June asked for additional hearings by the House subcommittee. The Aleut leadership decided that the record was complete as far as the Aleut issues were concerned, and so we recommended to the House subcommittee that since hearings on the Aleut issues no longer were necessary, we felt that we had made a complete record, that we felt the subcommittee could proceed to makr up Congressman Young's bill. Inasmuch as there was still a pending request for further hearings on the Japanese-American issues.

We do no know at this time what decision will be made in the House subcommittee, but I know that Mr. Hall would want to discuss with you both options before he makes any final decision. Phil?

Mr. PHILEMON TUTIAKOFF. Mr. Chairman.

Senator STEVENS. Yes?

Mr. PHILEMON TUTIAKOFF. About 2 years ago my executive director, Greg Welsford, accompanied by our staff person, Michael O'Connor and myself were invited to a coalition for reparation that the Japanese-Americans held in Los Angeles. At that time we shared experiences, and I'm sure that the Aleuts feel as badly about what happened to the Japanese-Americans, as much as we know of it, and that they have helped us, because their track record is much longer. Their effort for reparation exceeds ours by some 36 years I believe.

There has never been any formal discussion between the Aleut leadership and the Japanese-American leadership as to whether or not there should be a wedding to resolve this issue. For practical purposes, as our attorney has stated, we feel that the Aleut question is complete, that all the evidence has been gathered, that the testimony of the people will speak for itself.

We respect the conditions that the Japanese-Americans did undergo during that time, and we have tried to help them in return for their support.

Mr. KIRTLAND. I will point out that in the House subcommittee hearings, which were quite extensive, there was a comment by a number of members of the subcommittee, Chairman Hall, the ranking minority member, Tom Kinas and others, that the issues of the Aleut relocation are really very different than those with respect to the Japanese-Americans. Mr. Hall was concerned, and of course he can speak for himself when he talks to you about this, but he indicated to me that he was concerned that the difference in issues be appreciated and while both cases cry out for redress, there are different reasons for the compensation in the case of the two communities. This dilemma was, how does one maintain the distinction for the underlying factual and legal bases for compensation, while at the same time keeping the bills linked, because people tend on a superficial analysis to merge the Aleut issues into the Japanese-American issues, and they are both profoundly tragic circumstances. They are also vastly different.

Senator STEVENS. Thank you. Father Paul, on the question of the churches, we will have a series of panels now from the individual villages, but what was the status of the churches when the people returned after World War II? Is that documented, Mr. Kirtland, in the evidence you've given us?

Mr. KIRTLAND. It needs more documentation.

Reverend MERCULIEF. Yes, we've documented it, but it needs some more. The churches when they were left were closed and sealed, but they didn't have time to be in most cases bar the windows, and with the winds, quite a few of the windows were broken in some areas, and weather damage to the church occurred. In other areas, the church, the bell tower was used as a watchpost also, because it was quite a high edifice that overlooked the village, and some of the things that had been left—most of them—the utensils, some of them were taken, or as in the case of Unalaska, they were buried, but in other churches they were left, and some of those were lost. But we need more documentation from the church records for that purpose.

Senator STEVENS. Now, only one village was actually occupied by the Japanese, wasn't it?

Reverend MERCULIEF. Yes, Attu.

Senator STEVENS. Following World War II, we had the Marshall plan which in Europe rebuilt the edifices that were used by the Allies as they conducted the war. There was nothing like that that was ever made available to your people, was there?

Reverend MERCULIEF. No, and as far as I know, the church—well, the church was burned at Atka, but there's a panel from them that will give you more description of that.

Senator STEVENS. Yes, I'll ask each one of the villages to tell me about the churches.

Reverend MERCULIEF. Yes.

Senator STEVENS. This bill has a specific provision dealing with the churches. I know that Mr. Kirtland has mentioned dealing with the clean up of the hazardous material in populated areas, and I think those are extremely important provisions. We'd like to get as much information as we can on them.

Reverend MERCULIEF. I'd like to make just one more. The churches were in sort of dilapidated and weatherworn condition when they returned—but they repaired them the best that they could, but they used lumber to make the repairs and that didn't last long, so they had to do the best they could. They didn't have any funds available for it at that time and they were trying to get their homes done, so not only right after the war, but many years after the war until they were able to raise some funds that they did some proper repair on the churches.

Senator STEVENS. Well, thank you all very much. I appreciate it.

Mr. **Kirtland**. Mr. Chairman.

Senator **Stevens**. Yes, sir?

Mr. **Kirtland**. I do have one additional submission for the record if I may. I have a statement from Patrick Pletnikof whom you know and who is not able to be here today. Pat Pletnikof was the executive director of Aleutian/Pribilof Islands Association when the World War II project began. Pat is not able to be here today, but all of us think very highly of him and I'd like to submit his written statement for the hearing record at this time.[7]

Senator **Stevens**. Yes, we'll print it in the record. You're correct. He was the young man who first brought the whole problem to my attention. It's been a series of years ago. It takes a long time to address issues like this, and it may take more time before we're finished, but we will continue to try and get the redress that you seek.

Mr. **Kirtland**. Thank you, Mr. Chairman.

Senator **Stevens**. Thank you very much.

Reverend **Merculief**. Thank you.

Senator **Stevens**. We'll now take about a 10-minute recess and when we return, we'll turn to the series of panels. First the panel from Atka and then the panel from Nikolski.

[Off the record.]

Senator **Stevens**. Could we come back to order now and I'd like to ask the witnesses from Atka to come forward? Mr. Prokopief, Mr. Golodoff? OK, who wishes to testify first? You're going to testify? And you're Mr. Golodoff?

TESTIMONY OF GREGG GOLODOFF, ATKA, AK

Mr. **Golodoff**. I'm Mr. Golodoff, yes. I'm Gregg Golodoff, I'm from Atka. I was born on Attu Island. There are only seven of us left that were removed from Attu.

I cannot describe the hardships suffered by the people of Attu, because I was too young to know at the time. I'm happy to know that the attempt is being made to return Attu to the Aleuts and restitution made to our people. I only wish this would include those born in the camps and during the settlement.

As for the churches, I don't know if $1.4 million could cover all the churches. Atka's church needs to be built from ground up, because very poor material was available to build it at the time. The lumber on the church is very rotten and ready to fall apart any time. We have already lost our big dome and have no money to replace it. I don't think this money covers the churches lost at Attu and Amchitka also.

But, however, I would like to extend my support to this bill and hope it brings success. Thank you.

Senator **Stevens**. Thank you. Mr. Prokopief, did you have a statement to make?

TESTIMONY OF DANIEL PROKOPIEF, ATKA, AK

Mr. **Prokopief**. I was the one that got left behind when the people were evacuated on the tender. I used to work side by side with those line boys out there in the Navy. And later, about 5 days later, I had my first plane ride. It was a Navy PBY. I enjoyed every minute—I started enjoying it until we met with the Japanese bombers coming back from Dutch Harbor over the mountain of Recheshnoi, but those boys—those men that were flying the plane, they were really good. They maneuvered their plane so fast we got away from those bombers. When we got to Dutch Harbor, Dutch Harbor was up in black smoke because the storage tanks got hit there. And we stayed there until we were evacuated to southeastern Alaska.

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[7] See p. 731.

Before I left the Aleutians, I was—five families got left behind. And two PBY's came in and picked us up, children and women first, and men last.

When I came to the village after the bombers came through, I discovered my house was burned to the ground and several other houses was all down to the ground. The church also. We walked up to the church with a friend of mine. We found a safe laying there. Him and I dragged the safe to the side of the church where the drainage was. Gutter. Dropped the safe in there and told the members of the church about it after we got done. But in mid-1945 when the people came back, they found the safe was gone and they found it later. It had been cut out with a cutting torch. I could not describe how much cash was in it. Like Gregg said, the church is pretty well down now because it was put up with what was left of the lumber. It was green lumber and it was—so that's—that's about it, all I can say.

Senator Stevens. I'll ask you some questions in a minute. Good morning.

TESTIMONY OF LEO G. SAVOROFF, NIKOLSKI, AK

Mr. Savoroff. My name if Leo G. Savoroff, a resident of the native village of Nikolski, August 20, 1984. Mr. Chairman, members of this committee, my name is Leo G. Savoroff. I reside in the village of Nikolski, which is my birth place. I wish to make this statement regarding my support of H.R. 4322. I was born in 1912 and I was married, with one child, when I was evacuated from Nikolski in July 1942. We were taken to Ketchikan. I was evacuated from Nikolski in July 1942, we were taken to Ketchikan, AK, and put in an old CCC camp about 8 miles away from Ketchikan. This camp was very small with no indoor plumbing, with one outside which was used by the whole camp and it very often overflowed and had to be bailed out by hand.

My wife and I lost two children at Ward Lake, which was the name of the camp, and also my younger sister, who was 16 years old, due to lack of proper medical attention.

After we returned to our village, it was almost as bad as Ward Lake. When we were arrived home, broken in. Broken into, their contents vandalized, shattered by water damage and some entrance. Also the church has not been spared. These are some of the things I wish to know. I will answer questions that the committee wishes to ask. Thank you, Mr. Chairman.

Senator Stevens. Thank you. You're Mr. Golodoff, right?

Mr. Golodoff. Yes.

Senator **Stevens**. You were moved when you were quite young, were you?

Mr. **Golodoff**. Yes, I was born in Attu and was relocated to Japan.

Senator **Stevens**. And when you returned after the war, what island did you go to?

Mr. **Golodoff**. Atka.

Senator **Stevens**. Atka?

Mr. **Golodoff**. Yeah, we were all taken to Atka Island.

Senator **Stevens**. And your family's there now, right?

Mr. **Golodoff**. Right.

Senator **Stevens**. Had there been a village at Atka before the relocation?

Mr. **Golodoff**. I don't know the state of Attu at the time.

Senator **Stevens**. I see. All right. And the church at Atka was rebuilt after the war?

Mr. **Golodoff**. Right. From the very poor material that was available.

Senator **Stevens**. And it's never been totally rebuilt since that time. Is that right?

Mr. **Golodoff**. No.

Senator **Stevens**. Were most of the people from Attu taken to Atka after the war?

Mr. **Golodoff**. Yes, they were.

Senator **Stevens**. I see. All right. And you're Mr. Prokopief?

Mr. **Prokopief**. Prokopief.

Senator **Stevens**. When you came back from after the war, where did you go? What——

Mr. **Prokopief**. I came home after the war, after I got discharged from the service and I went home late 1945. I had nine brothers when I left Atka. Now I'm alone out there.

Senator **Stevens**. You joined the service after you went to southeastern Alaska. Is that right?

Mr. **Prokopief**. Right. I didn't join the service. They drafted me because I quit civil service job.

Senator **Stevens**. I see. You were drafted?

Mr. **Prokopief**. Right.

Senator **Stevens**. And what village did you go back to after you got out of the service?

Mr. **Prokopief**. Pardon me?

Senator **Stevens**. What village did you go back to after you got out?

Mr. **Prokopief**. Back to Atka, because my mother was there.

Senator **Stevens**. To Atka?

Mr. **Prokopief**. To Atka.

Senator **Stevens**. Where were you working when you took that ride in the airplane; the PBY?

Mr. **Prokopief**. In Atka, side by side with the PBY crew.

Senator **Stevens**. I see.

Mr. **Prokopief**. Sometimes around the clock helping them to fuel up.

Senator **Stevens**. Where did you move to in southeastern Alaska?

Mr. **Prokopief**. Killisnoo Island, abandoned cannery. Most of the houses were collapsed and we tried to fix it up the best we can to live in it. No running water and no—and that—the people got together and started making steam baths and stuff like that. But the drinking water was really poor, because the people are so used to the fresh water running from—down—down the hill when we moved down there. I lost my father there while I was in the service.

Senator **Stevens**. Mr. Savoroff, and you're from Nikolski, is that right?

Mr. **Savoroff**. That's right.

Senator **Stevens**. All right. Is Mrs. Dushkin here too today? Is she going to testify today? No? All right.

Mr. **Barnes**. Tried to see if Mr. Pletnikoff is here.

Senator **Stevens**. Yeah. Mrs. Pletnikoff, is she coming today?

Unidentified. Yes.

Mr. **Barnes**. Mr. Pletnikoff.

Senator **Stevens**. Mr. Pletnikoff. All right. Come join us now. What's your full name, Mr. Pletnikoff?

TESTIMONY OF PERFINIA PLETNIKOFF

Mr. **Pletnikoff**. My name is Perfinia Pletnikoff.

I was born in Nikolski, AK, and I will say, Mr. Chairman, and members of this committee, in 1942 after working in Dutch Harbor, AK, I lived in Wards Lake, Ketchikan, AK, for 2½ years. This was an old CCC camp where the Akutan, Biorka, and Nikolski people spent the duration of World War II.

The civilian evacuees from the villages in the Aleutians were in poverty at that camp. Inadequate housing, poorly insulated, wood burning stoves that they had to get the wood for themselves, unsanitary conditions in the communal bathhouse and there was no running water and only one hydrant where people got their drinking water, and very little medical care. You've heard that a lot of times I guess. And no food provided for the people so they found some work to provide for themselves.

I worked at a small sawmill for $1 an hour, had to go out to get my own firewood. We were not permitted to catch fish in the lake and creek. That's Ward Lake.

My father is buried in Ketchikan. After going to work on the Excursion Inlet project, he caught a cold, but since he could not speak English, he did not say what he felt, being afraid to get fired from his job. So while working in the tunnel, he got pneumonia, with no medical assistance on the job. After returning to Ketchikan, it was too late and he passed away in 1943 at the age of 49.

Our loss of loved ones and some personal property after we returned home to the Aleutian Islands are irreplaceable. As we know from the testimonies of the people from the other villages in the Aleutians. We found our homes ransacked by the Army personnel stationed in or near the villages, windows and doors torn off, our personal belongings gone and strewn all over. Most of our boats and guns were also taken, our most important items for survival.

Things are not better yet. We've gone through 40 years of hardship and still continue to do so. And I say this is the worm that didn't die for 40 years. And it's still going to keep on going.

Now, if we can get the Japanese on the bill that you people put out by the Senator from Hawaii, I saw that the Japanese were going to get $20,000 for their losses in the United States. Now, the Republicans said, "All men are created equal," so I think a restitution of $20,000 for the Aleuts would be most civilly humane. That's what I think.

Senator **Stevens**. All right. Thank you very much.

Mr. Dirks.

TESTIMONY OF GEORGE DIRKS AND LEO J. SAVOROFF

Mr. **Dirks**. Yes. And I think just what he said is the restitution of the Aleut people, it should be $20,000 instead of the trust fund going indirect. It should I think—I believe in my own mind that it should be for the benefit of the people that suffered through that period. And the time, it states as the survivors. Instead of June 7, 1942, there were people that were born at the camps and that suffered the same agony, too, so that date should be brought up to 1945 or the time this was over. And I believe that's the statement I had and——

Senator **Stevens**. Do you have any figures on how many people were born in camp, Mr. Kirtland?

Mr. **Kirtland**. Actually born in the camps, sir? I do not, I'm sorry.

Mr. **Pletnikoff**. One more thing I'd like to add. We talk about human rights, civil rights. This is the time to prove it.

Senator **Stevens**. Thank you, and any of you others—the rest of you have any statements to make? Mr. Savoroff.

Mr. **Savoroff**. Yes.

Senator **Stevens**. Do you have any other comments to make?

Mr. **Savoroff**. I don't have much unless you ask me some kind of question.

Senator **Stevens**. About the church in Nikolski, has it been replaced?

Mr. **Savoroff**. Yes, it's replaced all right. Pretty well.

Senator **Stevens**. Was the tower of it replaced?

Mr. **Savoroff**. Huh.

Senator **Stevens**. Has it been completely rebuilt?

Mr. **Savoroff**. It was repaired, that's all.

Senator **Stevens**. Just repaired?

Mr. **Savoroff**. Yes.

Senator **Stevens**. Any other questions, or let it go?

Mr. **Barnes**. No, not from this panel.

Senator **Stevens**. Maybe we should go to the VFW. Thank you very much, gentlemen. We appreciate your coming to testify.

Is Mr. Gauthier here now?

Mr. **Gauthier**. Good morning, Senator.

Senator **Stevens**. Good morning.

TESTIMONY OF RAYMOND GAUTHIER, STATE DIRECTOR FOR POW/MIA's AND ALSO REPRESENTING THE VETERANS OF FOREIGN WARS

Mr. **Gauthier**. My name is Raymond Gauthier. I am a State director for POW/MIA's in the State, and I'm also here representing the Viet Nam Veterans and POW's of the State of Alaska, and the VFW on their commitments to this bill.

We are not against the Aleut people receiving aid on this bill. What we are against is that they're receiving a cash bonus, every man, woman, and child of $12,000. We're totally against this for many reasons. We have heard from the people testifying about the hardships they have incurred during this movement of the islands. OK. As we all know, it was in war. The U.S. Government moved them from this island to protect them from the Japanese. They went back to the island, the island was a wreck. We understand that. We're not against that. We think the island should have been cleaned up a long time ago as far as the bombs and everything else.

We're not against their culture. We believe they should restore their culture.

But as we all know, war is no fun. People get hurt. Innocent people get hurt on this. And, you know, to say that the hardship they incurred, I, being myself a POW from Viet Nam, I know what hardship is. I know what it's like to have freedom taken away from you. To say that they had this hardship and they should get $12,000 per person, no. I never received $12,000 when I was prisoner of war, and I went through hardship people in this courtroom would never know. To say the bathrooms was bad, we had no bathrooms. I lived in a 6-by-6 hole in the ground. Canvas with bamboo. And every day people'd come by and they'd urinate on me, they'd bathroom on me. And I had to live off the grubs. I know what hardship is. Nobody—my country never gave me $12,000 to get back. I come back to a divorced wife after this. Nobody ever gave me anything for this.

We're totally in favor of them getting their churches, their culture, everything back to them. That's fine. But to say that they should receive $12,000 apiece is ridiculous, totally ridiculous, and we are against that for the reasons I have stated.

You know, if you're going to give them $12,000, why don't you give it to every G.I. who's families—MIA's who are still in Viet Nam today who are suffering, who do not know that their sons and daughters are alive over there. Or still don't know what happened to their children. That the U.S. Senate, which we're going back to in November to try to force them to find out about our MIA's. Those people are still going through the suffering.

And these young children of today of the Aleuts, they didn't have any misery, no pain. If anything should be given, it should be given to the older folks that were there, that have suffered the hardships. But the man—and the children today of 18, 20 years old, they don't know what the hardship is. To give them $12,000 is ridiculous.

Senator **Stevens**. This bill only gives them to the survivors, the people who were actually moved.

Mr. **Gauthier**. The Veterans of Foreign Wars is against that. We are totally against it, because we're not against them getting their churches, we're not against their culture, we're not against them fixing their homes and cleaning up their land. We're not against that. We're against cash payment. Not a GI that I know of ever got a $12,000 bonus after serving and fighting in the war, as you know. You was a serviceman, sir. I mean, you come home to hardship. We all suffered hardships. It may not be right. I mean, innocent people get hurt during the time of war. We understand that. But to say that—I mean, this bill can go into so many things. After the Aleuts, who's next? The American Indians down in the lower 48 also. And it will just bloom and bloom and bloom.

The Veterans of Foreign Wars is totally against a cash payment. We're not against their culture. That's great. I think it should be restored. Their homes and the churches should be restored. Cleaning up the area should be done. It should have been done a long time ago.

But to give a cash payment to each one of them, no. I was not given $12,000 when I came back, and I lived in hell over there all the time I was a prisoner. We're totally against it. And that's our position on it.

Mr. **Stevens**. All right.

Mr. **Gauthier**. Thank you.

Senator **Stevens**. Thank you. I appreciate your taking the time to come and testify.

We'll now have a panel of witness from St. George: Mr. Philemonof, Mr. Lekanof, Mrs. Lekanof—is Misses or Mister? One or the other. Well, there are several—let's put it this way: Several Lekanofs and several Philemonofs. How's that? [Laughter.]

My great friends from St. George, it's nice to have you here. I remember so well my Christmas out there when we landed on your island. Who will go first? Yes sir, Mr. Philemonof?

TESTIMONY OF ILIODOR PHILEMONOF, PRESIDENT AND CHIEF EXECUTIVE OFFICER, ST. GEORGE TANA CORP.

Mr. **Philemonof**. Mr. Chairman, my name is Iliodor Philemonof, president and CEO of St. George Tana Corp., the Aleut Village Business Corp., established under the terms of the Alaska Native Claims Settlement Act of 1971.

St. George Tana Corp. has approximately 224 shareholders, of whom only 58 may be considered eligible Aleuts according to Senate bill 2116, title III.

I have not lived on St. George for the past 16 years, but rather in Anchorage. Let met point out that I still consider St. George as home, and whether I will return back there, God only knows.

Mr. Chairman, I was only 2 months old when we were evacuated from St. George to Funter Bay. Needless to say, I do not remember any of the injustices that were inflicted upon the Aleut people who were resettled in southeastern Alaska by the U.S. Department of Interior. However, I do remember hearing stories and events from my parents and elders in the village as I was growing up about the deplorable living conditions, inadequate medical care and attention, poor and even lack of education, loss of priceless religeous icons and artifacts, antiques and heirlooms. But above all, the unnecessary premature deaths of our beloved ones occurred and at least 10 percent of those in the camps died.

It is without question the Federal Government grossly neglected the wards, meaning the Aleut people, to meet its responsibilities to whom it was intrusted.

I believe there is really no need for me to dwell upon the sad chapter of the Aleut people regarding the relocation of the Aleut people of the Aleutian and Pribilof Islands, because much written and oral testimony has been documented. My presence here today is to comment on Senate bill 2116, title III, cited as: Aleutian and Pribilof Islands Restitution.

Let me clarify for the record section 302, subsection 4, the definition, association. APIA, which says was established for the benefit of the Aleut people of the region. It's only obligation is to assist those who live in the Aleutian and Pribilof region and not those of us who reside outside of the villages. Or even outside of the region. Therefore, it is not a true representative of all the Aleut people who were born and reared in that region.

S. 2116 was effectuated I believe to be fair to all Aleuts who were affected directly by the relocation and internment in southeastern Alaska. In section 306, subsection (b), it states; "A trust shall be established for the benefit of the affected Aleut communities and for other purposes." It further states that: "not more than seven trustees shall maintain and operate the trust."

I would like to recommend to you, Mr. Chairman, an amendment to the subsection that another trustee be added to represent those of us who do not reside in the affected villages.

Section 306, subsection (b), subparagraph (2), is not clear, and to me it seems ambiguous, especially to those of us who do not reside in the affected villages.

My question, Mr. Chairman, is how can we, those of us who do no reside on the affected villages benefit directly as set forth in section 306, subsection (3), subparagraphs (A) through (E), primarily subparagraph (C) which has to do with the community centers?

I believe the intent of the law as stated in subparagraph (E), "to improve the condition of Aleut life" for all Aleuts whether they reside in the affected villages or outside of them.

This brings me to section 307, titled "Individual Compensation to Eligible Aleuts." However, before I proceed with this section, I woud like to revert back to section 302, subsection (6), the terms—definition, "eligible Aleuts." This definition precludes those who were conceived on St. George before the relocation and born during internment. It should also be taken into consideration those who were conceived during the internment and born after we were returned to our respective islands. It is my contention the definition, "eligible Aleut," should be made applicable to each effective village as to the year they were returned home, using the guidelines I just mentioned about.

Let me proceed to section 307(a), "payments to eligible Aleuts". I believe $12,000 to each eligible Aleut is inequitable compensation than the $5,000 originally proposed. However, in my opinion and the consensus of the St. George eligible Aleuts, $20,000 would be more equitable per capita disbursement, not only for material losses and damages, but more importantly the everlasting psychological impact it had and has made on the serviving Aleuts, and even to their descendants and their children today.

I realize no amount of money shall erase the negative psychological effects, but it would alleviate the pressures we are now facing, especially with the sudden phase out or withdrawal from the Pribilofs, and would certainly improve the condition of the Aleut life.

Mr. Chairman, I would like to applaud the U.S. Congress for recognizing that grave injustice was done to both citizens and resident aliens of the Japanese ancestory, and the long overdue restitution of the Aleutian and Pribilof Aleuts, which the U.S. Government allowed its officials to intern us in such a manner that is almost equivalent to subhuman.

There's one thing that still bothers me today and which I brought up and addressed at the hearings at St. Paul 2 years ago. The question is, if the U.S. Government was truly concerned about the civilian populations of the Aleutian and Pribilof Islands during wartime, why did they, in 1943, take the Pribilof Aleut men to the islands to harvest the fur seals? Who was more important? Were the seals more important or were the Aleuts important? So, you know, there doesn't seem to be any rationale.

The Commission on Wartime Relocation and Internment of Civilians determined the evacuation was a rational wartime measure under the circumstances. This was certainly an irrational act by taking the men back to the Pribilofs to harvest the fur seals in 1943 by the Government, you know, for the harvest during wartime.

Mr. Chairman, I would like to thank you for permitting me to make the statements and recommendations for a few changes to Senate bill 2116, title III. Thank you.

Senator **STEVENS**. Thank you. Mr. Lekanof.

TESTIMONY OF FLORE LEKANOF, SR., REPRESENTING ST. GEORGE IRA VILLAGE COUNCIL

Mr. **FLORE LEKANOF**. Mr. Chairman, down through the years—before I come to the comments that I have written, I do want to mention a few things of great deal of credit to you and which you have done for all the people of Alaska. Your tenure in the U.S. Senate and the seniority in which you are placed there puts a great deal of burden on your responsibilities in Washington on behalf of not only our State, but our country as a whole and I personally want to extend my gratitude for the amount of work that I have seen you do personally for the State of Alaska and all the citizens of Alaska in our capital in Washington, DC. I watched you very closely during the time I spent 4 years there, and worked in the same department in which you had worked in the past, in the Department of the Interior, and I have some knowledge of the way the Federal Government operates, and it's sometimes very difficult to push the kind of legislation that you have very well sponsored in S. 2116. Very difficult. But in your leadership capacity in Washington, you have made it possible for us to be heard and to tell the citizens of the United States the unfairness with which we were treated during World War II.

I was one of those who were evacuated and spent some time at Funter Bay, and it was in 1943 as my colleague had indicated, I was brought back to St. George to harvest the seals and spent 6 months there. The amount of seals that were harvested there was record breaking. St. George alone harvested over 25,000 pelts, and that year the Pribilofs harvested over 100,000 fur seals. So it was a great deal of labor. And shortly thereafter, I think it was a result of that particular incident that I contracted tuberculosis and had to spend 3½ years in a sanatorium in Tacoma, WA. As a result I was classified 4-F in the Army when I became eligible to join the Army and was not able to serve my country, for which I'm very displeased. I would have been honored to have served the country.

As a whole, I am representing the St. George IRA Council. I have been asked by the Community of St. George to speak for them, and we in essence as a group on St. George accept—except for the recommendations that I have written down—in totality the bill itself as it is written in S. 2116. I think a lot of work has gone into it, much research as has been indicated this morning, not only by the present attorney, John Kirtland, but the Aleut leadership, also for a time there Birch, Horton, Bitner and Monroe did give us some assistance for the St. George community. I think that as you recall myself having been to your offices in Washington several times have talked to you about these concerns.

I feel this, that there can be an equity. You can't please everyone, but there can be a satisfactory equity come out of this for all of the Aleut village people involved, of which we are representatives of St. George.

The list that I handed you along with the few comments that I will make on the changes, lists a large majority of those people who had been evacuated no longer live and reside at St. George. It's a large number. So for that reason, I'm going to read the recommended changes that I have made, having agreed pretty much with the whole bill itself, aside from this particular section. It is on section 306(2)(C), which right now reads, "One account for the independent benefit of those Aleuts who as determined by the trustees are deserving, but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B)." And I think these have been pretty well explained earlier.

We would like to see a change to (C) to read thusly: "One account for the independent benefit of those Aleuts who were encamped who are no longer residents of the villages listed in (B) above, but who will not benefit directly from the accounts established pursuant to paragraphs (A) and (B)." There may be some typographical errors there, but I think the meaning is there and I think that comments on that are this, Mr. Chairman:

"The trustee shall—and this—these are the changes:

> **The trustees shall credit to the account described in subparagraph (C) an amount equal to 50 percent--percentum of the trust established to be distributed based on, (1), the number of all eligible Aleuts; number (2), and on a per capita basis. The remaining trust established shall be divided among the accounts described in subparagraph (A) and (B) in proportion to the living Aleut civilian population of the village for which each such account is established as of the passage—as on the date of the passage of S. 2116.**

Now, there may be some technical questions in regards to that change, but I think in the vein in which my colleague to my left has indicated, I think it would be much more equitable to a lot of us to see this type of treatment given to those who are no longer having their residence in these villages. And there's large sum as you can see just from St. George alone, not to mention the other villages, and I'm speaking only about the villages that were evacuated and staying away from the ambiguities of section 306(2), paragraph (C).

Mr. Chairman, thank you very much.

[Recommended changes submitted by Mr. Lekanof:]

Recommended Changes in S. 2116, Title III
Aleutian and Pribilof Islands Restitution

Page 20 - line 5 - Duties of the Administrator

Sec. 306 (2)(C)

"One account for the independent benefit of those Aleuts who, as determined by the trustees, are deserving but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B);"

Change to:

(C) One account for the independent benefit of those Aleuts who were encamped who are no longer residents of the villages listed in (B) above but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B).

The trustees shall credit to the account described in subparagraph (C), an amount equal to fifty per centum (50%) of the Trust Established to be distributed based on (1) the number of all "eligible Aleuts;" (2) and on a per capita basis. The remaining Trust Established shall be divided among the accounts described in subparagraphs (A) and (B) in proportion to the living Aleut civilian population of the village for which each such account is established as of the passage of S. 2116.

Flore Lekanoff 8-29-84
Flore Lekanoff, Sr.

Senator STEVENS. Thank you. I'll have some questions about that in a minute. Which one of you would like to proceed next? Mrs. Philemonof.

TESTIMONY OF ANNA PHILEMONOF

Mrs. ANNA PHILEMONOF. I will, yes; Mr. Chairman. My name is Anna Philemonof.

According to S. 2116, title III, section 302, I am an eligible Aleut. I will be brief.

I will not speak of the atrocities connected with that abrupt removal and encampment of 881 Aleuts from their homes in 1942.

I just want to make a recommendation for a change to title III, section 306, where it pertains to the $5 million trust. There is a subparagraph (A) to take care of wartime Aleut residents of Attu and their descendants. There is a subparagraph (B) to take care of Atka, Akutan, Nikolski, St. George, St. Paul, and Unalaska. And there is a subparagraph (C) to take care of those Aleuts who as determined by the trustees are deserving, but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B).

I learned only yesterday that this subparagraph (C) was added to include villages east of Unimak Island who under definitions do not qualify as eligible Aleuts. I think a subparagraph was overlooked to take care of the approximately one-half of those eligible Aleuts who no longer live in the affected communities. It is possible that the Aleut leadership who was consulted when this section was written were not aware that a large number of eligible Aleuts no longer live in the six villages named.

I was removed from St. George Island on June 16, 1942, on the Army's transport ship, *Delleroff*, along with 182 other Aleuts. Today, approximately 90 of the total 183 are alive, and more than one-half of the approximately 90 live away from St. George.

I recommend S. 2116, title III, section 306, subparagraph (C) be changed to take care of those eligible Aleuts who no longer live in the villages today from where they were removed, and also that the number of trustees to be selected be changed from seven to eight, the eighth to speak in behalf of the at-large eligible Aleuts.

Mr. Chairman, thank you for allowing me to make this statement, which I hope will point out that S. 2116, title III, section 306, as written will not be a fair compensation for all eligible Aleuts. Rather, it will appear to treat those living in the affected communities west of Unimak Islands plus unaffected communities east of Unimak Islands fairer than those who do not.

Senator STEVENS. Mr. Lekanof.

TESTIMONY OF MICHAEL LEKANOF

Mr. MICHAEL LEKANOF. Mr. Chairman, my name is Michael Lekanof. I'm an Aleut born on St. George Islands, presently residing here in Anchorage. I'm a former employee of the Aleutian/Pribilof Islands Association, Inc., and have testified during a hearing previously conducted by the Commission or Wartime Relocation and Internment of Civilians here in Anchorage.

Through your farsightedness for having supported the Aleut people on redress—redress issue, a study and research was begun by the Aleutian/Pribilof Islands Association in 1978. Thanks to you, Senator Murkowski, and Congressman Don Young for including all your distinguished colleagues on the subcommittee, some funding form the Alaska State, news media, the Aleutian/Pribilof Islands Association, their counsel, attorney John Kirtland from Washington, and all those who took an active part to testify presently and in the past.

The records of the Commission on Wartime Relocation and Internment of Civilians included depositions for available—are available at the National Archives and also here in Anchorage. These records should provide you with support for implementing and acceptance for passage of the findings as recommended by the Commission.

One simple comment on section 306(2)—subsection (2)(C), it is confusing and should be thoroughly looked into.

Under section 307, some people worked in Dutch Harbor. Few, I don't know if any, if names, I don't know, with the Seamstraight Puget Sound Construction Co. during construction projects and were exempt from relocation, but later joined their respective groups or had been inducted into the Armed Forces. I feel they should be included as they were not entered on the roles as being evacuated.

Another comment: Those who were born on or were conceived at the camps are not mentioned in the bill. Those children who were born in the campsites in southeastern, or those who were conceived. I feel this should be included—they should be included. The timeframe should be mentioned from the beginning of the day we were evacuated, there is no question as to what day we were to be returned. Is it through the end of the war? It's questionable.

Other than the other points are acceptable to my personal thoughts.

One other comment I wish to make continues under 306(C), restoration of church property. Nothing is mentioned to improve grave sites in the southeast Alaska sites. We do not know the complete names of those who are deceased from those four campsites at Burnett Inlet, Funter Bay. Many of them are buried elsewhere, in Juneau. The gravesites there are—you can't even find the crosses or in some cases we don't know who's there. I feel there should be some kind of a plaque after a thorough study, a reminder to us.

Mr. Chairman, I returned to Funter Bay on Admiralty Island along with three news media personnel in the summer of 1980. During this film taking and recording adventure, my impression of such a place was that it is paradise. It's a beautiful place. However, memories of those difficult times came back to me, which is not pleasant and hard to describe. I began to recall some of the hardship situations. First, we flew to Funter Bay from Juneau on a seaplane. The flight took us approximately 12 minutes. Such a short distance. This, too, reminded me that my sister died in Juneau. She, however, was not flown to Juneau. My parents, knowing that sister Irene was very sick, and those who took care of us could or would not arrange her trip for medical care. They took it upon themselves to transport—my parents took Irene, sister Irene, to Juneau aboard a fishing vessel, not inside of the cabin, since the boat was so small. She was very sick with pneumonia. They covered her with a few blankets they had. The trip took us 5 hours.

Not all the way to Juneau, but to Auke Bay at the Coast Guard float. From there we continued on to Juneau in a taxicab with very few pennies they had stored.

I truly believe that an arrangement was made—should have an arrangement was made for Irene's care by the caretaker, her life—she would have lived a longer lifetime—life and enjoyed it like we did.

Some of my worst recollections of the whole affair was in seeing many people dying from epidemics with very little medical attention given to them. True, there was an R.N. there, Mrs. Porter. She did a marvelous work. All without much help other than one Aleut medical aide. However, with all of her care, conditions worsened and was out of control. It took the territorial public health doctors who came from Juneau, because of the necessity of learning about the illnesses, that proved that the drastic report they prepared for the Fish and Wildlife to improve the conditions, but improvement did not come since our male eligibles was away at St. George or St. Paul harvesting fur seals during that summer 1943. No improvement came to the site at Funter Bay on both sites, the cannery or the mine site, until about November. While the menfolk were gone, many illnesses came.

During this time my mother and I provided assistance to deliver prepared meals to those who were sick. This situation continued for approximately 4 days in this one epidemic. I know my mother was not in good health herself. But she was in better health than most and asked me to help her with the chores that she had to do. It was very fortunate not all the cooks—or that two of the cooks were not sick at the same time, otherwise my mother could not have backed it.

My final recollection which I probably did not mention in my earlier testimonies was that we had very little control on security. While our fathers or older brothers were away, us boys mischievously built rafts out of driftwood, had fun with them paddling it out in the bay. In one of those instances, I took my sister Anna with me who was very young, didn't understand the situation. The tides are very swift out there. We could have drifted out and been lost forever.

This trip to Funter Bay was very difficult in my mind, thinking of all the situations.

Thank you, Mr. Chairman. I'm in faith that with very little opposition to make drastic changes in the bill, that you and your colleagues in the whole Congress will make justice to the bill. Thank you.

Senator STEVENS. Thank you very much. Now we have Anatoly Lekanof?

TESTIMONY OF ANATOLY LEKANOF, JR.

Mr. ANATOLY LEKANOF. Thank you, Mr. Chairman. I am Anatoly Lekanof, Jr., formerly of St. George Island, AK. I am one of the Aleuts relocated during the evacuation of Aleuts from the Aleutian and Pribilof Islands in 1942.

I definitely agree that we, the Aleuts relocated during World War II, were certainly mistreated and abused, and, I believe, each and everyone of us are somehow affected by this experience. Now, it is the time for our Federal Government to compensate each and every Aleut so affected.

As stated in S. 2116, title III, we will be compensated with a payment of $12,000 per person, and the Aleutian/Pribilof Islands Association shall be the administrator of $5 million appropriated by Congress. As at least 50 percent of Aleut people who were relocated are now living in the villages which will benefit from this bill, and at least 50 percent do not live in those villages at the present time, so will not benefit from any moneys received by these villages, other than the 5 percent mentioned, which amounts to $250,000. How then shall the Aleut people not residing in the mentioned villages benefit from the 5 percent?

Even if a per person distribution of 5 percent is made, this would amount to not in excess of $1,000 per person. Now, if each affected Aleut not living in the villages were compensated $8,000 over and above the $12,000 mentioned in the bill, this would still leave about $3,200,000 to distribute to the six villages as stated in the bill.

Whereas the Aleuts who were relocated have experienced this needless and tragic interruption of their lives and suffered and still suffer in part now, therefore, I feel a full and justifiable compensation should be made in the amount of not less than $20,000 for each Aleut person who was evacuated and are now living outside the six mentioned villages, as the Aleut people now living in the villages will benefit from any moneys appropriated by this bill.

Thank you, Mr. Chairman.

Senator **Stevens**. Thank you very much. You realize, of course, that the Commission recommended $5,000 and at the request of the leadership we increased that amount to $12,000. Now you're suggesting that the amount be raised to $20,000 as I understand it. Each of you makes that request, is that right? You don't, Mr. Lekanof? You don't make that request?

Mr. **Michael Lekanof**. I personally would like to see a just settlement, and I feel this is very just.

Senator **Stevens**. But the major impact of the suggestions Mr. Philemonof has made would be to put 50 percent of the fund that's left after the individual payments into a separate trust fund for those who do not reside on the islands, and 50 percent for those that do. Is that right? That's yours, Mr. Lekanof?

Mr. **Flore Lekanof**. No, that was my recommended change, Mr. Chairman. Under title III, under the duties of the administrator, section 306, paragraph 2, subparagraph (C). The reason for that is that 50 percent of the trust fund compares with the 50 percent of those who no longer live in the villages. Therefore, that figure was used. It does not mention the interest from the principle. It outright mentions the distribution of the—50 percent of the money set aside for the villages on a per capita basis.

Senator **Stevens**. Well, the fund would basically be separated into six separate funds. Really seven. And I guess it's a total eight, isn't it?

Mr. **Barnes**. Right. Eight.

Senator **Stevens**. Eight altogether. And it——

Mr. **Barnes**. One-eighth goes to the——

Senator **Stevens**. Would be used for the benefit of the elderly, disabled, and seriously ill, benefits of students, the preservation of the Aleut culture and heritage and historical records, the improvement of community centers, and other purposes to improve the condition of Aleut life.

Now, you object that those people who are not residents of the villages will not benefit from those expenditures, is that the position you take?

Mr. **Flore Lekanof**. Well, Mr. Chairman, that is my feeling, and I have checked with the president of the council, who is here in Anchorage, on that statement at the last minute last night, and he did not object to that. In that we want to be fair to all concerned who were involved in the evacuation and who were harmed by it. Equitable solution, and I'm sure they're difficult to spell out in legal languages at times as many of us know as we went painfully through the Alaska Native Claims Settlement Act, many, many amendments and changes have been made on that since.

Senator **Stevens**. Well, that's true, but I think that's a matter, and you all have raised some issues that ought to be resolved by the Aleut community. It's difficult at best to secure approval of this bill, but if we have to ask Members of the Senate to decide issues such as this, which indicate a lack of unanimity as far as the Aleut community as to the terms of the bill, I think it will just delay it. I'm confident that we would have to have a briefing of the individual members of the subcommittee and then the full committee and then the arguments with the Senate and additional arguments with the House. I think that it's really something that those of you who feel this way are going to have to meet with the leadership of the Aleut community and your attorney and give us the suggestions if you have any to make as to what the consensus of the Aleut community is with regard to these issues that you've raised. The bill is not without opposition to begin with. And I think that any division within the group that would support the passage of a bill is going to further delay and perhaps impede the passage of the act. Yes, Mr. Lekanof.

Mr. **Flore Lekanof**. Yes. Mr. Chairman, I heard earlier that the collaboration and communication was held very closely with the villages during the composition of the bill. Communication such as it is, and travel expenses such as they are, it's very difficult to reach each and every village, let alone those who do not live in the villages, with the changes that are proposed. I know even the Aleut leadership that has been working on this will admit that. And although there have been some attempts made to contact everyone, that's almost impossible. Therefore, some of those changes and collaborations that were made by the attorney and the Native Aleut leadership, did not reach to the lower echelon of the Aleut communities involved. Therefore, it's incumbent upon us, our responsibility to bring these things out at this time as the matters of administrative procedures that need to be looked at.

Senator **Stevens**. Well, I appreciate that, and that's one reason that I'm here today conducting this hearing, and I conducted one in Los Angeles, so that we could hear from people who might not be able to afford to go to Washington. And we hope we do hear from those people and we get the suggestions. But having made these suggestions, my suggestion in response to you is that you should meet with the leadership of the Aleut community and that together you should decide what the consensus is. We've just had a representative of a very distinguished organization oppose any payment. The Commission recommended only $5,000. This bill provides $12,000. This bill is designed primarily to restore the villages and the communities. The payment is incidental. And that was the way it was viewed in the first place. The concept of increasing the payment, it will be a very controversial one. And I think the Aleut community must decide whether you're going to urge the Alaska Representatives in Congress to modify that request. But certainly we should not be, as I indicated, in a position of trying to get Congress to decide whether the leadership of the Aleut community is correct in its position. We have to take a united stand in Washington if we're going to be successful, and there can be no division between the community and the congressional delegation, and no division among the congressional delegation if this bill is to succeed. So I make this suggestion to you. I'm sure that it will take some time to do, but I do urge you to present your viewpoints to the community—to the leadership of the Aleut community.

I still have a problem with the question of the people who were born after the move took place, whether they were conceived before or after they removed. The payment involved here, the direct payment is for the purpose of—on the concept that the people who were moved, even though they were moved for their own protection, did not receive adequate care by—from the Government after they undertook the duty of trying to protect those people. That is, I think a consistent legal principle as has been explained by the attorney for the Aleut people. To expand that I think gets to the question of—gets into some questions of law that I don't think we're prepared here to discuss, but certainly it is a different theory, and would be a different legal theory involved. I would be relecutant to expand that theory in view of the opposition we've already heard in Washington and in Los Angeles to any compensation at all. And I would urge you to work this matter out among those of you who do represent the community.

But I do understand your position and, I think, I understand all of the suggestions that have been made for amendments. We'll be pleased to discuss them with the other members of the subcommittee and will again call upon the leadership of the Aleut community to tell us if there has been a consensus arrived at with regard to those suggestions.

Yes, Mr. Philemonof.

Mr. Philemonof. Mr. Chairman, I would like to recommend that the Aleut leadership do work very closely and have a good dialog with those of the villages and those of us who live outside of the village. I would really stress the fact that there should be more dialog.

Senator Stevens. Yes, I understand that, and I think that that is true. However, again, I would say that from our point of view, when we originally started into this, the whole question was restoring the communities, removing the hazardous material, rebuilding the churches, trying to restore the community life that was there before the relocation took place. As I indicated before, we did that to a great extent in Europe under the Marshall plan. This area of our country was ignored at that time. I think Congress is prepared to take those actions. The stumbling block of this bill is the compensation in any event. That's the thing that's been opposed, not only here today, but in Washington and Los Angeles. Any compensation at all. And that decision is going to have to be made as to whether we put that aside and get the other portion of the bill. But again, it will be a matter that we will confer with the leadership of the community. They are the elected representatives of the various organizations. We do listen to the villages, and we listen to those who represent the larger organizations that are already established pursuant to other laws. The ones that we would turn to normally. I hope you realize that. That's the only—those are the people that we deal with.

Yes, Flore.

Mr. FLORE LEKANOF. Yes, just one more comment. The APIA, as it is called, is an aftermath of the Aleut League which was started for the Alaska Native Claims Settlement Act and has become a nonprofit arm so to speak of the Aleut Corp., although it isn't. It only serves at the present time the villages. It does not serve those of us Aleuts who live away from the villages. So we don't want to confuse the issue here that those of us who are sitting here at the table are not living in the villages. We are therefore not represented directly by APIA, and I want you, Mr. Chairman, to understand that.

And the other is that I do want to thank you very much for allowing us to comment on S. 2116, during your busy times up here in Alaska.

Senator STEVENS. Well, I thank you for that. And I do understand that you are not residents of the villages, but I want you also to know that in all probability the final bill that posses will have a heavy emphasis on the villages themselves.

Mr. PHILEMONOF. Well, we have no problem with that, Mr. Chairman.

Senator STEVENS. And if it has any compensation it will be most difficult to achieve. But the primary target now is the cleanup, the restoration of the villages, the estblishment of a fund if possible to take care of people who are in the villages that are having a very difficult time who were relocated. And there is a fairness question of what happens to those who are no longer living there. I understand that. And that's something that you must discuss with Mr. Kirtland and those who are going to be in Washington handling some of these negotiations in the future. I urge you to do so, and he's here now, he hears me urging him to do so. So I'm sure that's going to take place. All right?

Mr. KIRTLAND. You can be certain of it, Senator.

Senator STEVENS. Thank you very much. All right. Thank you, gentlemen and Mr. Philemonof.

Our last panel this morning will be the St. Paul witnesses. Father Michael Lestenkof, Maxim Lestenkof, and Francis Emanoff. We'll start this afternoon with the Akutak Village witnesses at 1:30. Father Lestenkof, you're the first one on my list. Would like to begin?

TESTIMONY OF REV. MICHAEL D. LESTENKOF, ST. PAUL ISLAND, AK

Reverend LESTENKOF. Thank you, Mr. Chairman. Mr. Chairman, My name is Michael D. Lestenkof. I'm a Russian Orthodox priest of St. Peter and Paul Church, St. Paul Island, and carry St. George Church also.

I would like to testify about the conditions of the homes and what it was like to leave the islands in just a short alert to be evacuated. First of all, the hardship part of the evacuation announced was to burn the village down, the whole village. And in each house a bucket of gasoline was in and under every vehicles two to three cases of dynamite were stored—were installed, on radio masts, on anything that could be used by the enemy if they start occupy the island. The whole village was supposed to be destoryed. And I was one among the people who were announced to destroy the village. The last one to escape from the village after everybody moves out. But that part finally was said, "leave it," so it has not happened.

War alerted and short notice, and month of June, I don't exactly know the time, 1942, to prepare for evacuation and were allowed only one hand-carry to each person, and it was hard to make a choice to which we should use as needed and did not know where we will go, where we were located, and what is going to be needed for the sick people, for the children, and as well as for the older people who had to be taken care of in a lot of ways. At least I ask the manager, Mr. Benson, if I could take infant's crib, and that he says "You could do so, but you might be thrown overboard with the crib, or whatever is not allowed to be taken with you." So I left that out.

June 16, 1942, we left home with all the belongings behind. And it's hard to name all the things that were left behind, but we leave all that home, needs for any person to live in it. And when we return all the things were gone. Homes were empty. No beddings, no clothings, no cooking utensils, and some holy icons were missing, widow curtains, blinds and anything you can think of is used in the homes as left were gone. I even was surprised to find out some of my stuff was buried alongside my house. I dig them out and find out there were a few things which I left on the dresser were just buried and some other articles with it.

When we arrive St. George, we see the garbage dump was still burning and we was wondering what all that big garbage dump fire for. And that, of course, cleaning the house and burned all what's in the houses were burned out by the servicemen.

And I would like to also testify about the condition of my family down in Funter Bay after I left Funter Bay May 6 with the other sealers of St. Paul and St. George on the transport ship *Dilleroff.* We arrived St. George May 21, 1943, and there were about 16 of us left when everybody returned to Funter Bay after the sealing. Mr. Benson, the agent/caretaker keep us there until November 11. so we stayed St. George waiting for any news from our family down in Funter Bay, for any other way of going back like others did in August, and we keep asking Mr. Benson if we could come back—go back to Funter Bay, and he stated, "If you want to go, you will have held your family from coming back. They are anxious to come back to St. George," and I find out later my family didn't even known where I was at. They were so sick. Wife with two children. And they didn't even know about going back to St. George. My wife was so sick she didn't even know her 6-month, 1-year-old baby was almost dying with the measles. Because there were so many people sick and didn't have any way of find out what other conditions of the other sick people.

While we were at St. George, we used to ask Mr. Benson about our family and they used to—we used to be told "everything is fine down in Funter Bay." I got only one letter from my wife in 6 months of my stay in St. George during the war. She asked me to come back, she is so very sick. So I asked if I could be allowed to go to my family and at the first they stated, "you will hold them from coming back, so you should not go," so I think I should wait for them—for their return, but find out that was not the way they were looking at it at Funter Bay.

I would like to testify about the graves in Funter Bay, what it would look like to me. I used to dig the graves when somebody died from St. George Island as well as from the St. Paul Island. And the graves we would dig we hardly used to go beyond 3 feet before it'll strat to fill up with water, when it rains hard, the graveyard used to be flooded underneath, because of the creek alongside the graveyard. The worsest I seen one time, Alexander Galanden died and the grave I dug was only barely 2 feet. It started to fill with water. We couldn't dig it any more, so quit it and it was filled up with water, and we took the body to be buried, and a couple of guys has to be down to the grave and bail the water as fast as they can and as soon as it get low enough, we put the body in the grave and cover it. Whatever covered the body, the grave was just a surface.

My wife's grandmother, Mrs. Pelgalakanof, was very old lady, 80 years old. She used to hear about these graves dug so low and she says—she used to say it, "I wouldn't want to die in Funter Bay, because when I died and buried in a low grave, the bears will come around and dig my body out and they will eat me." And she died at Funter Bay and buried there.

Inspection in Funter Bay, which I would like to testify. Every week on Wednesday the agent and doctor used to inspect the rooms where we stay, or rather I should call them homes as separated by the blankets. I wonder what they used to report about the conditions they used to see in the way of crowded family in one small 9 by 10 blanket-walled rooms. The children sleeping on the floor. No chairs. No toilet. No place to wash. Even some sick people used to be amongst the other people in the same room. They never did use to ask if anything is needed or could they help us. But just say, "fine and dandy, and good-by" until next inspection day again.

Due to inadequate medical care, I almost lose my thumb, right hand. It is marked as used to held—it lost quite a lot of bones from it while I was working on the float. I had small cut on it from a rusty cable wire and they stated it was become fish poison. When I take to the clinic, there was nobody in there at the time, so I have to get back to my work to start again, and all in a sudden it starts painful. The next day I couldn't work, but I was called back to my job again, get back to the work, because I was allowed $20 a month as allowance for my family and stated I can't earn that if I don't work. So they put me in as a watchman for 10 hours at night with one more guy named Nicoli Merculief who has infected wrist. We used to go over by the clinic to soak our hand in epsom salt in number 10 can as we are watching, and take our rounds every hour. And I thought that was a painful way of being a watchman with infection thumb.

Losing my brother, the oldest brother died in Funter Bay due to inadequate medical service. He was a foreman hired by the Government in Pribilof Islands and evacuated with us and was still continue his job as a foreman in Funter Bay. When he died, his family, had a big family, and his wife, the children were already forgotten. And next to him my second brother was hired to replace him and stated he was a good foreman and he will continue the good works of his brother. But the family was really suffering of no way of having support from anywhere. And I thought it was a big loss for losing my brother, as was my father for many years before we were evacuated.

And now my two brothers and other people who were gone at this time, including all the people who lost in Funter Bay are not here to testify their hardship. And we, the survivors here, ask and wish in behalf of all those who has been assisting, those who are gone and who was not in that. I'm proud of them all. As well as the most for you as, Mr. Chairman, the Senator of Alaska, a valuable man to us. Has been not just for this case of Aleut people who were evacuated, but in many ways.

So, Mr. Chairman, may I ask you in behalf of all who has been assisting you, extending my blessings to you as a spiritual father for the Aleut people, including you in my prayers. I hope the U.S. Congress recognize your support of the people you love, and may I say at this time thank you very much for allowing me this time to testify, and my first opportunity to meet you. And I hope when I first meet and asking and talking with you, with the help of God to be—allow to be finished in the way you and your helpers to complete it. And I would like to say Ha-ah-shipum, that means thank you in Aleut.

Senator **Stevens**. Thank you very much, Father, and I thank you for those blessings.

Mrs. Emanoff, do you wish to make a statement?

TESTIMONY OF FRANCIS EMANOFF

Ms. **Emanoff**. Senator Ted Stevens, I'm Francis Emanoff. This is the way we left the islands, June 16, 1942. They let us left behind clothings, house goods, tell us not to take anything. They give us 24 hours that we have to leave the morning of June 16; 800 people got on the ship. Only on the boat we had one toilet room, no bathroom, no washroom to wash your face from. For 10 days or more I'm sure it was. My mother got real sick, lost her mind. There was a governor doctor, don't even give me help. I did take care of her. At the same time I had two little kids. Food was bad. Nothing was good to eat. When we got down to Funter Bay, Alaska, we didn't have a place to stay. We didn't have help either. They put us in bunkhouse, and it was no difference, no bed to sleep on, not even stove. People had carbuncle sores, lice, and also the kids were full of it.

We were—weren't half of them. I had to take my kids to the toilet outside in the midnight. We had odd house above the sea. Also we sleep in cold place. We line up for food. Some of us people were very sick. At that time I lost my baby died there. And my husband left me and my girls behind to St. Paul Island June 16 for sealing. And my father and my brother also. My mother was still sick. They left six or more men with us. The food, what we eat was salted ham most of the time, and I was not only the one injured or suffered. I know we lost about $8,000 of our stuff. My parents also. And my father and my mother dead after World War II. We got to St. Paul Island. There was the things we left behind, the house—in the house wasn't there. We don't find belongings after returning to St. Paul.

This is what happened in World War II. I was 25 years old.

Senator STEVENS. Thank you very much. Mr. Lestenkof.

TESTIMONY OF MAXIM LESTENKOF, PRESIDENT, TRIBAL GOVERNMENT, ST. PAUL ISLAND, AK

Mr. MAXIM LESTENKOF. Mr. Chairman, ladies and gentlemen. My name is Max Lestenkof, Senior. I am the president of the tribal government of St. Paul Island. Thank you for having me here today. I will be brief.

Today on behalf of the Aleut people of St. Paul Island, I fully support title III of S. 2116. Today is a milestone in the Aleuts' efforts to obtain what each citizen deserves and expects from his or her government. Mr. Chairman, I ask you to do everything in your power to make this a reality for my people. Let the past 8 years up to today be an example of native people getting what is respectively theirs. We have all heard testimonies from the Aleut leadership and the witnesses. Shocking, horrifying at times, but all true. Let the United States be pardoned and give to the Aleut people what they deserve. It will be positive to both parties.

Two of the most important things needed by the Aleut people is health and education. It wasn't good in those days, and it hasn't gotten better today. If the trust becomes a reality, perhaps this could better health care and an opportunity of education.

In 1936 Congress passed the Indian Reorganization Act by which today we all exist. It was a giant step forward. I ask you again on behalf of all the Aleut people to make this title III a reality, a giant step forward for the United States to its people. Thank you very much, Mr. Chairman.

Senator STEVENS. Thank you, Mr. Lestenkof. Mr. Zacharof.

TESTIMONY OF MICHAEL ZACHAROF, MAYOR, ST. PAUL ISLAND, AK

Mr. ZACHAROF. Thank you, Mr. Chairman. My name is Mike Zacharof. I'm the mayor for the city of St. Paul Island, AK. I appear before you, Mr. Chairman, today to let you know I support Senate bill 2116 as is. I ask you and everybody here in this room that no changes be proposed. If they are proposed, that they do not—there's no change at all. I'm afraid if we try to make changes, we'll lose it.

Please allow me, Mr. Chairman, to commend you and the staff of Aleutian/Pribilof Islands Association, the Aleut leadership behind and John Kirtland, the attorney, for a job well done.

As you know, my people were forced to leave their homes on the Pribilof Islands and move to southeast Alaska. I ask, Mr. Chairman, why if in fact the Aleut people were moved from their homes, why were the nonnatives allowed to stay on the Aleutians and Pribilofs? I also ask why were the men of the Pribilof Islands allowed to return to harvest fur seal, and allowed to go into a war zone, if in fact it was a war zone? I ask Mr. Chairman, why was the military censorship to ensure the outside world be uniformed about the Aleut conditions? I ask why again, Mr. Chairman, if in fact that the Aleut people were not a security risk, did they move them 1,500 miles away from their homes and allow the military to use and abuse the people's homes? Why, Mr. Chairman, I ask, did the Aleut people, as the archaeologists have proven, that the Aleut people have been here for 8,000 to 10,000 years, and why, Mr. Chairman, in a short span of 3 years the 8,000 to 10,000 year culture disappeared in such a short time?

Mr. Chairman, I conclude my statement with one request, and the request is here to everybody in this room today, and that is no matter what was said, no matter what happened here today, that we, the Aleut people, leave you with one voice, and that is we are a united Aleut nation.

Mr. Chairman, you have been good for us in the State of Alaska, the Aleutian Chain, and the Pribilofs, and on behalf of the people of St. Paul Island, as their mayor, I want to thank you very much for your support. Thank you, sir.

Senator **Stevens**. Thank you. I apologize for the pronunciation. I'm batting zero in pronouncing these names this morning. I appreciate that very much. I thank you all for your testimony. It was very informative and I think it will be very important to everyone to know the experiences such as you all have related.

We'll now recess and come back here at 1:30. As I indicated, we will start off this afternoon with the Akutan Village and then go to the Unalaska Village witnesses. Thank you.

[After recess.]

Senator **Stevens**. My apologies for being late. The day after an election's not a very easy time to conduct hearings. It's the only time that I have to do this since I must fly back to Washington all night tonight as a matter of fact because I did not leave this morning. I just had some things that had to be done following the election yesterday. I do hope we can continue now though.

Our first witness would be Boris Merculief from St. George. Hello.

Mr. **Merculief**. Hello, Mr. Chairman.

Senator **Stevens**. Do you want to sit down, please, so we can pick you up on the mike? Thank you very much. Go ahead.

TESTIMONY OF BORIS R. MERCULIEF, IRA PRESIDENT, ST. GEORGE COMMUNITY COUNCIL

Mr. **Merculief**. My name is Boris R. Merculief. I am the IRA president of the St. George Community Council.

Mr. Chairman, members of the subcommittee, I am the IRA president of St. George. I'm here to give you the support of title III of Senate bill 2116. The St. George's Community Council is in full support of this bill whole-heartedly, Mr. Chairman.

Mr. Chairman, contrary to this morning's testimony by the St. George delegates, I want to state it for the record that I as the president of the St. George Community Council and the members of the community of St. George are in full support of this bill.

Senator STEVENS. Good.

Mr. MERCULIEF. Thank you, Mr. Chairman.

Senator STEVENS. Thank you very much for coming, and we appreciate your addition ot the testimony that was presented this morning.

Now we turn to the panel from Akutan. Lilian Pelky and Faye Schlais.

Ms. SCHLAIS. Schlais.

Senator STEVENS. Schlais. Yes. Good afternoon. Which one's first?

Ms. SCHLAIS. I think Lilian.

Senator STEVENS. Ms. Pelky. Yes.

TESTIMONY OF LILIAN PELKY, AKUTAN, AK

Ms. PELKY. Yes. Mr. Chairman, my name is Lilian Pelky. In July of 1942 I was evacuated with my parents, Hugh McGloshin, my brothers Edward, George, and Steve, sisters Agnes, Faye, and a niece Helen, and the rest of the Aleuts of the village. We boarded the SS *Columbia* at the whaling station with only a very few items of clothing in a small bag, leaving behind many personal belongings in our home, plus pets. We joined others who had already boarded from Nikolski, Kashega, Biorka, and Makushin. We arrived in Wrangell about a week later, were transported to Wrangell Institute where tents were set up for everyone. We ate at the school mess hall for a while and were served foods I consider garbage. There was so much sadness and weeping, especially by the older adults.

Next was a trip to Ketchikan on a military transport ship. I'm sure if there was an emergency aboard ship, there would not have been enough lifeboats, et cetera, to accommodate the people. Arrival at Ketchikan early morning, then by bus to about 8 miles out of the city to an abandoned CCC camp at Ward Lake. Aleuts all crammed in a bunkhouse, laundry building, a couple of camps until the men could make livable the cabins and a fish hatchery at the camp. With such a different environment and very poor conditions, a lot of the Aleuts became ill and many died.

Then to top it off to return home to Akutan to find a big mess of everything. The homes had been ransacked and so much missing. So much suffering of innocent people. Surely they were deserving of better treatment.

Thank you.

Senator STEVENS. Thank you. Ms. Schlais.

TESTIMONY OF FAYE SCHLAIS, AKUTAN, AK

Ms. **Schlais**. Mr. Chairman, my name if Faye Schlais, and I'm testifying on behalf of the Aleut evacuees.

In July 1942, the people of Akutan Village were told by a Navy ship which entered the harbor they were to be evacuated and the people had to leave the village. We had to leave everything except what clothes we took with us. We were allowed to take only one piece of small baggage. We left the village and was taken to the whaling station. There we remained overnight or probably until the SS *Columbia* came in to pick us up. We arrived in Wrangell on July 13. Then we were taken to the Wrangell Institute, to a big room, and kept there until we were checked for head lice and what else they decided to do. And then everyone was put in tents to live. Some of the tents were leaking and very crowded and unsanitary. The food served was terrible and unfit to be served to people. My family and the people of Akutan never had to live like that, that way.

On August 24, 1942, we arrived in Ketchikan on the U.S.S. *Grant* at 12 midnight. They had buses to take us to the old CCC camp at Ward Lake. The living conditions were really bad there. No sanitary facilities. Drinking water was bad. There was no privacy. All the people had to heat water to take a bath in the washtub until all the people got together and built the steambath. Everyone got sick at camp with the measles, pneumonia, tuberculosis and many other diseases. There were 20 or more people died at the camp from neglect. They just could not adjust to the way of life at camp, especially the elderly people. They did not have the proper medical care needed. There was no immediate transportation from the camp except for a private carrier that took the people to town for a fee, and cab, which was costly.

I do believe that the evacuees should have been better cared for being they were taken away from their villages, and then to come back home and find their homes were broken into and their cherished possessions removed from persons unknown.

Thank you. I'm Faye Schlais.

Senator **Stevens**. Thank you, Mrs. Schlais. You have a statement?

TESTIMONY OF ZENIA BORENIN, AKUTAN, AK

Ms. **Borenin**. Yes, my name is Zenia Borenin. I'm from Akutan.

Senator **Stevens**. Thank you.

Ms. **Borenin**. I was selected as one of the spokespersons for the people of Akutan.

I was born in Akutan 28 years ago and lived there all my life. I have heard a lot of stories about the wartime relocations of the Aleut people during World War II, and what happened to our people and to the village during the war. And as you all know, many of the people that were removed from the village never returned. Those that did come back found the village ransacked not by our enemies who never set foot on Akutan soil, but by our fellow Americans. Not only was our culture and our traditional ways interrupted by the war, they never became the same. Our traditional leadership line no longer exists. The last chief of the village, my uncle Luke Chelikof, died 2 years ago and with him the line of traditional village chiefs ended. There has never been any effort to rebuild our village life to what it was before the war interrupted everything. And today there is very little that the village has to offer for the young people.

You all heard the stories about the wartime relocations and what our people went through both today and in previous accounts. I feel the Government owes them more than the compensation they are asking for. All the money in the world is not going to make up for the pain and suffering the Aleut people endured during the time they spent in southeast Alaska, but they are not the only ones that are feeling the long-term effects of the internment. Their children and grandchildren now have to live with a changed lifestyle, changed culture and are as much the victims of what happened to their parents and grandparents during the war.

On behalf of the people of Akutan, I support S. 2116.

Senator **Stevens**. Thank you very much. I appreciate all of you taking the time to come and make a record for us here today.

Ms. **Borenin**. I also have the testimony from someone from the village that couldn't make it.

Senator **Stevens**. All right. We'll print that in the record, too. Thank you.

Ms. **Borenin**. OK. Thank you.

Ms. **Schlais**. I have one, too, if you want. I'll just leave it here.

Senator **Stevens**. All right. Thank you. If you could give them to Ruth. She'll take them for you. We appreciate it very much.

Ms. **Pelky**. Also, we didn't mention the church.

Senator **Stevens**. Yes, tell us about your church?

Ms. **Pelky**. Yes, it was broke into, but before we had left the village, the men got together and put the icons and all the things in barrels and buried them, so nothing like this would happen. They did break into the church, but, you know, other than breaking down the door and things, there was nothing taken from it.

Senator **Stevens**. Well, that's good. You were fortunate. Thank you for telling us that.

Now we have the panel from Unalaska Village.

Mr. **Barnes**. Phil Tutiakoff.

Senator **Stevens**. Mr. Veltre and Phil Tutiákoff.

Mr. **Barnes**. Phil's representing the two witnesses that couldn't make it in, and Professor Veltre is doing sort of a regional academic perspective.

Mr. **Stepetin** Mr. Chairman, I'm not listed on there, but I'm from Unalaska and I'd like to make a statement.

Senator **Stevens**. All right. Do you want to come up and join them here if you're part of the Unalaska Village. Professor, go ahead.

TESTIMONY OF DOUGLAS W. VELTRE, PH.D., UNIVERSITY OF ALASKA, ANCHORAGE COMMUNITY COLLEGE

Mr. **Veltre**. Thank you. Mr. Chairman, my name is Douglas Veltre. I'm an anthropology teacher with the University of Alaska, Anchorage Community College, a position I have held for 10 years.

I have a Ph.D. in anthropology and have focused most of my professional career on Aleut studies.

My primary research interests lie in two related areas: First, the archeology of the Aleutian and Pribilof Islands, from the earliest settlement of them some 9,000 years ago up to the recent historic remains of this century; second, subsistence economies of comtemporary and historic Aleut communities, including such aspects as what foods and resources of the land and sea are utilized by Aleuts, how those resources are obtained and by whom, and how they are distributed and utilized by community members. Toward these interests, I have conducted archeological and cultural anthropological field research in the Aleutian and Pribilof Islands for 12 of the last 14 summers and have worked in the communities of Atka, Nikolski, Unalaska, St. Paul, and St. George in addition to other unpopulated islands.

From my formal studies as well as from years of friendships and associations with many Aleut people from throughout the islands, I believe I can offer a number of points regarding Aleut culture and history which support the passage of Senate bill 2116.

I would like to point out that my comments pertain not just to Unalaska, but to the region as a whole.

To me, perhaps the most unfortunate aspect of the Aleut experience during World War II is that so many persons suffered the deplorable conditions of the internment camps. Indeed, that many older Aleuts did not survive the experience at all. Like all Alaska Native cultures even today, Aleut culture is based very much upon observation and personal instruction for acquiring the skills and knowledge necessary for life. There are virtually no books, for example, from which a young Aleut can learn how to hunt sea lions, how to make a grass basket, how to prepare seal oil, or how to tell when wild celery is best to eat. These are things which an older generation traditionally shows and tells to a younger one. Things which, if never passed on, die forever.

With the untimely death of Aleuts far from home during the war, a certain part of Aleut culture did die forever. Senate bill 2116, by providing a trust fund, can open the way for Aleuts to learn about and preserve their cultural heritage through a wide variety of means.

In this regard, I may point out that while conducting my archeological and cultural research, I have found Aleuts everywhere to be keenly and enthusiastically interested in their own past. However, for a number of historical reasons, including the treatment they received during World War II, Aleuts regrettably have relatively few places to turn in their efforts to learn what Aleut life was like 5,000 years ago, 500 years ago, or even 50 years ago. Projects, programs, and educational opportunities supported by a trust fund would certainly help remedy this situation.

Of all Alaska Native peoples, Aleuts have the longest history of contact with foreign cultures. Early in the history of Russian occupation in the Aleutian Islands, the Russian Orthodox Church became an important and integral part of Aleut life. Today, it is clear to me that Aleuts look to that church as the foremost part of their cultural heritage, as an institution whose beliefs and practices tie in with virtually all aspects in their lives. Moreover, Russian Orthodoxy is a vital link that binds Aleuts from distant communities together.

During the events of World War II, Aleuts lost many of the material aspects of this heritage when church and personal icons and religious objects were destroyed or stolen. To rebuild and restore churches affected during the war would strengthen contemporary Aleut culture. The bill under consideration would make this possible.

Yet another benefit of Senate bill 2116 is the provision of funds for cleanup of military debris left behind following the war. In the course of archeological work on many islands, I have found a tremendous abundance of such material in many areas, including close to some Aleut communities, such as Atka and Unalaska. I have encountered barbed wire, sharpened metal antipersonnel stakes, collapsing buildings, blowing sheet metal, and the like. In addition, even more dangerous remains, such as live ammunition, are periodically found in the islands. More than just an eyesore, such materials pose a real danger, not only to visiting archeologists, but also to the Aleut men, women, and children who use their islands for subsistence and recreational purposes.

In conclusion, Mr. Chairman, let me say that although I have not spoken directly to all of the provisions of title III of Senate bill 2116, I believe that this entire legislation is well founded, and I am fully in support of its passage. In many regard, my testimony has echoed that which has been presented so effectively by the Aleut witnesses before me. My perspective as an anthropologist has led me to the same conclusions reached by them regarding the devastating effects which World War II had on Aleuts as individuals and to Aleut culture as a whole. Senate bill 2116 can help heal the wounds of the past, and I urge you to support its passage.

Thank you, Mr. Chairman.

Senator STEVENS. Thank you, Professor. Now, Mr. Tutiakoff, are you going to testify next?

TESTIMONY OF PHILEMON MICHAEL TUTIAKOFF, REPRESENTING THE COMMUNITY OF UNALASKA

Mr. PHILEMON TUTIAKOFF. Yes, sir. My name is Philemon Michael Tutiakoff. I'm testifying for the community of Unalaska on a very short notice.

To replace the loss of the only U.S. health facility not replaced after World War II, and because of the delivery of human services system, Unalaska is centrally located to benefit the Aleut region by reason of its proximity. Unalaksa requests a multipurpose facility to alleviate the social problems that community inherited, conditions as the result of what occurred during the Aleutian campaign. During one of the air raids at the Dutch Harbor Naval Air Station, the Army's Fort Mears, the town of Unalaska lost the Bureau of Indian Affairs hospital which sustained a hit by a fragmentary bomb, which took one quarter of that hospital off.

After my return to my home town, I was recruited to help dig Japanese machinegun bullets out of our beautiful church. Our town had been strafed by Zeroes. I personally watched with other friends.

That BIA hospital housed patients from the western and northern coast of the Bering Sea and also those from Kodiak Island as well as seamen from the Bering Sea Patrol which had their headquarters in Unalaska until 1938.

The Aleuts of Unalaska support title III of Senate bill 2116 in its entirety. Thank you very much.

Senator **STEVENS**. Thank you very much. Now, our next witness is Paul Blanck.

TESTIMONY OF PAUL BLANCK, SUTTON, AK

Mr. **BLANCK**. Blanck. My name is Paul Blanck, and I'm living in Sutton, AK, now. As an Aleut I felt that I had to come and testify, because of the grave injustice that has been done over the last two centuries to our people, culminating in the World War II experience.

I want to say that I support the Senate bill in its entirety, that I especially am concerned about the return of Attu Island that was never sold, it was never given to anyone. It was just taken and turned into a wildlife refuge. I think that's Aleut land and should be returned to the Aleut people.

The reparations themselves are but a small thing to be given relative to what was taken. I don't think that the reparations themselves—as far as payment goes, is obviously inadequate, but what it says is that the U.S. Government is recognizing what it did to the Aleut people and is saying that "we do care and that we want you to know we care."

I also was very concerned about the return—the moneys for our churches. That our churches are restored to what they were, that that restoration was in the hands of the Aleut people and not the U.S. Government.

And I suppose that was really all I had to say. I just wanted to express my full support of the bill as it stands, and just hope that you and the rest of the subcommittee and the American people will understand through these hearings and hopefully in the history books following these hearings that this culture was almost killed, the final blow was almost made to a culture that's endured a lot of hardship and a lot of abuse for a lot of years. And it's only through the pride and the will of the Aleut people that it managed to come through and push to be once again a viable culture. And this is—this bill—passage of this bill would be a very large help toward our own ability to help ourselves.

Thank you.

Senator **STEVENS**. Thank you very much. Mrs. Briscoe.

TESTIMONY OF MARY ANN BRISCOE, UNALASKA, AK

Ms. **BRISCOE**. I'm Mary Ann Briscoe, and I'm a survivor.

And what I want to talk about is I've been listening to these people, things, but when they start bombing Unalaska, my mother and I, we were running, and like Phil Tutiakoff was talking about that hospital being bombed. That's where my mother and I were running. We just got inside, right in front of the doorway, it was all bombed in. So that evening they took us across to Dutch Harbor and then they took us in some little boat and took us out to a boat from there. We went—and the boat had a hole in it, and the guy was down there fixing it. During that time, while I was watching the guy working on the boat, my mother and my little sister died. Which she died with childbirth. And I came back and I looked for my mother on the boat, couldn't find her. So the next day they had her body inside of a sack or something and they put it in the ocean. They told me it was my mother and my little sister. And from there the boat took us down to Ward Lake and we lived there. I couldn't find my father or my brothers so my aunt took me in and it was pretty crowded inside of those buildings they had in there. I was pretty young, and I didn't like it too well. I wanted my mother and my whole family together. And nobody could find my father no place. Or my brothers. So from there—we stayed at Ward Lake there. I was passed on to one relative to another to another and then finally Dushkins took me in and they went down to Nikolski and that's where I lived there for a while. And then I went back to Unalaska and I stayed with my aunt there. And then the Whiterins took me in and brought me up.

And the church at Unalaska is beautiful down there. I went down there with my—for a few years and then I went down to Nikolski. And now I'm back to Seward. And then I had two kids. And then I went down—back home to check on it, just to visit and things there. The place wasn't like it used to be. Everybody used to be friendly, get along and everything. I don't know what happened to the people down there. I guess they didn't care any more after World War II. Because everybody used to pitch in and help and things. 'Cause us kids, we used to go and help the grownups, help the old men and staff. All got along. And everything wasn't right. But like they say, they're going to give us money, but you won't bring back the people you lose. What's money? Should have—with that money, what they should do with it is put it in good use. Put the kids in college, the ones that want to go to college. 'Cause kids need education. I have my own kids. They want education. I can't put them through college, 'cause I don't have the money. That $5 million they're supposed to get, they should put that in education, something in good use. And then that $12,000 they say they are going to give it to us. They should put that to help our old people, and the ones that don't have homes. I see a lot of old people, some are walking the street, and don't have a home, and that's why they should use that money for instead of trying to give the money to us. I know I'm a survivor. That's the way I look at it.

Thank you for letting me speak.

Senator STEVENS. Thank you, Mrs. Briscoe. Mr. Stepetin.

TESTIMONY OF ALFRED GERMIN STEPETIN

Mr. STEPETIN. Mr. Chairman, I'm Alfred Germin Stepetin, formerly of Unalaska on the Aleutian Chain. I was evacuated to Burnett Inlet in 1942 by the Federal Government. Four decades have passed since that evacuation took place that would effect so many people needlessly. How many reams of paper have been submitted and printed on the treatment of the Aleuts during the relocation?

I believe this fact has been proven. The Aleuts were mistreated during their internment in these camps in southeastern Alaska.

Now the Congress has to decide will these people, the Aleuts that were relocated, be compensated for loss of their property, lives, and their dignity? Senate bill 2116 states that such compensation shall be awarded to each and every Aleut relocated in 1942.

Within four decades many of these Aleuts have left their homes and live in areas outside their former villages. And I speak for myself. I returned home and found nothing but a frame that was formerly my family home. Nothing was there to save or to start over with. So rather than to burden my family and friends, I moved away. Would I have remained home in 1942 is a question that is hard to answer. I know this question can be asked by many of the Aleuts now living away from their former villages and the answer would be, "I don't know."

The bill states each and every Aleut relocated or living in the villages relocated in 1942 shall be compensated $12,000. And paragraph 2, lines 10 through 18 of section 306 states, "5 percent of $5 million shall be credited to those not living in the villages affected by subparagraphs (A) and (B) of paragraph (2), section 306."

As a large percentage of the Aleuts relocated in 1942 are now living outside the villages affected by this bill, subparagraph (C) of paragraph (2), section 306 of the bill should be reconsidered to meet the needs of the Aleuts living outside the village affected.

Again, Aleutian/Pribilof Islands Association has been considered the qualified entity to handle the moneys when they don't represent the large percentage of Aleuts not living in the villages. The board of trustees should be made up of a group elected by the Aleuts in the villages and the ones outside of the villages.

As an example, I will use Unalaska. In 1942 approximately 134 Aleuts were evacuated. Of those 134, 69 have died. Twenty-four of those Aleuts now live in Unalaska. And there are 41 Aleuts that were evacuated not living in Unalaska. That means outside of the village of Unalaska.

I support the bill except for those small items mentioned in my statement. Thank you.

Senator STEVENS. Thank you very much, Mr. Stepetin. I understand your comments and they're like the comments we had this morning, as you know. We appreciate very much your appearance. And thank you, Professor, for your contribution to the hearing.

Mr. STEPETIN. Mr. Chairman.

Senator STEVENS. Yes?

Mr. STEPETIN. You keep referring to the Aleut leadership. By this, who do you mean, the Aleut leadership?

Senator STEVENS. I mean the people who appeared in the first panel. We called that the "leadership panel."

Mr. STEPETIN. Thank you.

Senator STEVENS. Thank you very much.

Professor Inouye and Mr. Kimura? Good afternoon, Gentlemen. Let's see, who wishes to testify first?

Mr. INOUYE. Why don't you go ahead?

TESTIMONY OF WILLIAM KIMURA, ANCHORAGE, AK

Mr. KIMURA. My name is William Kimura, a Japanese-American. And I was born in Seattle, WA, in 1920, and lived in Anchorage over 57 years. And I'm bringing this testimony about my family and about the Japanese-Americans in Alaska.

My family were residents since 1916 in Anchorage. The Kimura family consisted of Yusuke, father; Katsuyo, mother; four sons, Frank, George, William, and Sam; and one daughter, Louise. Five children were all born in the United States. The family, except for Yusuke, was sent to a concentration camp in New Mexico, and George was inducted into the U.S. Army right after the war—before the war. The family was sent Puyallup, WA, and then to Minidoka Concentration Camp at Hunt, ID. I was married in camp and had two sons born behind the barbed wires.

My education was interrupted by the internment and my parents lost all their life savings.

We were denied our constitutional rights and suffered many human indignities. My family was broke when the war was finally over and no money for transportation was given to return. And we came back to Anchorage to start life all over again.

As a native born Japanese-American, I would like to make a request that all interned Japanese and Japanese-Americans be fully compensated, and the injustice of the internment be acknowledged by the formal apology by the U.S. Government for the internment of the American citizens simply because of the their ancestry. This racial discrimination should never happen again. The German-American and Italian-American population were not imprisoned by us. Even the lowliest of the criminal has his day in court. We who were good American citizens were denied that right. The Government investigation proved that not one Japanese-American was disloyal during the war. The 442nd Battalion, solely of Japanese-Americans, was the most decorated unit in the U.S. Army during World War II. Because of the wartime propaganda, there is a general misconception by the majority of the Americans that we were classified as the enemy and not as loyal American citizens.

The bill to acknowledge the injustice and to compensate the Japanese and the Japanese-Americans must be passed soon or most of us will not be here. My father, mother, brother Frank, and my son Chris are already deceased.

My brother Sam this summer visited the old Minidoka relocation center, and brought back a photograph of himself beside a sign which reads, it was a memorial, and the old—the site of the old camp is gone. And I have this photograph, Mr. Chairman, that he took. And on this memorial is stated, "This is the site of the Minidoka Relocation Center, one of the American concentration camps established in World War II to incarcerate the 110,000 Americans of Japanese descent living in the coastal regions of our Pacific States. Victims of wartime hysteria, these people, two-thirds of whom were United States citizens, lived in a bleak, humiliating life in a tarpaper barracks behind the berbed wire and under armed guard." And the guns were pointed at us, not outside. "May these camps serve to remind us what can happen when other factors supercede the constitutional rights guaranteed to all citizens and aliens living in the United States." While the United States criticized other countries of violating the human rights of people, they have never acknowledged that they have violated the human rights of its own citizens.

Thank you.

[Mr. Kimura's prepared statement follows:]

TO: COMMISSION ON WARTIME RELOCATION AND INTERNMENT

My name is William Y. Kimura. At 64 years of age, I am an artist and a businessman. I have resided in Anchorage for 57 years.

I would like to tell you the story of my family during the war years.

The Kimura family were residents of Anchorage since 1916, and consisted of my father, Yusuke (now desceased); my mother, Katsuyo (desceased); sons Frank (desceased) and his wife Yuki; George and his wife Kazue; Sam and myself; and daughter Louise. Frank, George and I were born in Seattle, Washington, and Louise and Sam were born in Anchorage, Alaska.

In 1941, George was drafted into the United States Army and was stationed at Fort Richardson. On December 7th, 1941 war between Japan and the United States was declared. My father was taken into custody by the F.B.I. and imprisoned at Fort Richardson without due process. George guarded the stockade where Dad was held.

In February of 1942, our family was notified that all persons of Japanese descent were to be evacuated within two weeks to an assembly point at Puyallup, Washington. At that time, our family owned Snow White Laundry, and a restaurant and the property on which it stood. My parents leased out their property as soon as possible and left a power of attorney to an Anchorage attorney and a supposed friend. I was uprooted from an art school I was attending in Los Angeles.

My father was sent to a concentration camp in New Mexico. Our family was herded into a train with only the personal possessions that we could carry. We were taken to Seward where we boarded a Naval ship at gunpoint. The men and women were segregated into separate quarters, and the men were given menial tasks of scrubbing floors and toilets under guard.

My brothers' wives, Yuki and Kazue, were both pregnant at this time. They received no medical attention. Later, Yuki gave birth to twin stillborn daughters in Puyallup. Kazue gave birth to a handicapped child in the internment camp at Hunt, Idaho. This child died five years later.

In May of 1942, we arrived at a barb-wire enclosed assembly center in a fairground at Puyallup. We were housed in temporary quarters in some barracks in which the sanitary conditions were deplorable. Each person was given mattress ticking and told to fill it with straw. Everyone who was able was given a task to do.

My sensibilities were outraged by many sights. Among them was Mr. Minano of Hope, Alaska, age 72 years old, who was forced out of his deathbed; carried into camp on a stretcher, and died there. All of his sons at this same time, were serving in the United States Armed Forces.

We were then taken by train to the internment camp in Hunt, Idaho. This camp consisted of rows of Army barracks. These barracks were divided into family quarters with very thin walls. Each family quarter consisted of one room, approximately 12 by 15 feet, and supposed to hold 4 to 5 people. There were certainly no luxuries. There wasn't even any furniture; only a pot-bellied stove for heat. We were issued G.I. clothes and blanket. The grounds were dusty. We were provided with a mess hall and a latrine for each block of barracks. I made some furniture out of some scrap lumber to help provide the family with the minimum of comfort.

In camp, I married Minnie Mitamura, who was born in Cordova, Alaska. Her family was also evacuated. Our two eldest sons, Chris and Kerry, were born in this camp.

From 1943 to 1945, I worked as a farm hand for different farmers in Idaho when the job ban was lifted. We were allowed to get jobs outside of camp as long as they were not in states along the West of East coasts. I also worked for M.K. Construction Company on a dam project.

There was prejudice everywhere we went. NO JAPS allowed in barber shops and NO JAPS served in the restaurants. One restaurant even refused to warm a bottle of milk for our baby son.

In 1945 when the war ended, the Government lifted the internment order. They gave us no money to travel home. Our family came back to Anchorage financially broke. The money from our leased properties, in care of the attorney, disappeared; and the taxes had not been paid. My parents, ages 55 and 65, had to start all over again from scratch. We opened the Golden Pheasant Restaurant and started the Snow White Laundry again. The hard work and determination by our family regained their former place in the community of Anchorage.

SUMMARY: The lifetime earnings of my parents were destroyed by the internment. The death of my brothers' son and daughters was caused by poor medical facilities, unsanitary conditions, and the trama of internment. The nightmare of these experiences will remain with us for the rest of our lives. As a native-born American, I believe that all interned Japanese and Japanese-Americans should be finally compensated AND a formal apology from the United States government made public, for the imprisonment of American citizens simply for reason of ancestry.

William Y. Kimura
1025 W. 11th AVE
ANCHORAGE, ALASKA 99501

WILLIAM Y. KIMURA

SUMMARY OF TESTIMONY ON THE INTERNMENT OF FAMILY DURING WORLD WAR II:

Alaskan residents since 1916, the Kimura family consisted of Yusuke (father), Katsuyo (mother), four sons; Frank, George, William and Sam, and one daughter, Louise. The five children were all born in the United States.

The family, except for Yusuke (who was sent to a concentration camp in New Mexico, and George (who was inducted into the United States army), was sent to Puyallup, Washington and then to the Minidoka Concentration Camp at Hunt, Idaho. I was married in camp and had two sons born behind barbed wire. My education was interupted by the internment and my parents lost all their life savings. We were denied our constitutional rights and suffered many human indignities. My family was broke when the war was finally over and no money for transportation was given to us. We came back to Anchorage to start life all over again.

IN CONCLUSION:

As a native born Japanese-American, I'd like to make a request that all interned Japanese and Japanese-Americans be fully compensated; and the injustice of the interment be acknowledged by formal apology by the United States Government for the internment of American citizens simply because of ancestry. This racial discrimination should never happen again. The German-American and Italian-American population were not imprisoned like the Japanese-Americans. Even the lowest criminal has his day in court. We, who were good American citizens, were denied that right. The government investigation proved that not one Japanese-American was disloyal. The 442nd Battalion, made up of soley Japanese-Americans, was the most decorated unit in the United States Army during World War II. Because of war-time propaganda, there is a general misconception by the majority of Americans that we were classified as the enemy and not as loyal American citizens.

The bill to acknowledge the injustice and to compensate the Japanese and the Japanese-Americans must be passed soon or most of us will not be here. My father, mother, brother Frank and son Chris are already deceased.

Senator **Stevens**. Thank you, Bill.

Professor Inouye?

Mr. **Inouye**. I'd like to defer to Amelia Kito.

Senator **Stevens**. Yes.

TESTIMONY OF AMELIA KITO

Ms. **Kito**. Yes. My name is Amelia Kito. It was kind of nice to read his report here, because we were neighbors in camp. We went through about the same thing, you know, as just what he said, and we got there 2 months after I think they did. We got there April—I know we got there in May, and 10 days after I got there, my fourth child was born. And that fourth child grew up and he volunteered in the Marines and got killed in Viet Nam in 1967. Which I thought was kind of sad that none of those Viet Nams were acknowledged in any way.

So we had a hard time, but what can we do? We can't complain. I want to the gate with my children. I wanted to go home. And they said once you get in there, you can't come out. So I turned around and went back again and made the best of it. And I haven't—I was reading his article here, and I think I approve of this as he does. This—I think that's—isn't that the one there? Yeah, this—to be fully compensated. I think I sent you an envelope?

Senator **Stevens**. Yes.

Ms. **Kito**. With the affidavit so my husband could join me. He isn't really too well now, so he decided not to say anything, but he went through just as much as his father did, you know. They took them from camp to camp and we didn't see them for about 2½ years. We were separated. And my oldest son, Sam Kito, Jr., spend 4 years in the Marines after high school, after he went to college 1 year and then went to high—went to Marines, and then he went to RCA school in New York for 2 years with his younger brother than is gone. So we've been pretty—I think we're—they—the older generation, the second and the third, I think have been very patriotic to the United States which they love very much after they moved here from their own country, and raised their family. My father was with the rest of the old folks. They're all gone. I'm afraid if nothing is done, there won't be none of us left.

Senator **Stevens**. Thank you very much, Mrs. Kito.

Mr. **Kimura**. Mr. Chairman, may I add two comments, if I may?

Senator **Stevens**. Surely.

Mr. **Kimura**. I have known many Eskimo and Native with Japanese ancestry in camp and they were very wonderful people. But one incident I saw was Mr. Minano. He was taken from his deathbed in Hope, AL, and brought to camp on a stretcher. And soon after that he died. So there was many human sufferings that were brought to them by this evacuation.

And my sister-in-laws were pregnant at that time. My brothers' wives. And because of lack of medical attention I think that they both—one sister-in-law lost stillborn children in the camp and one had a handicapped child in camp. And he died a few years later.

So I think that lack of medical attention, unsanitary condition, and in Puyallup, WA, we were all housed in a stable in the fairgrounds, and there were no means of sanitation, very few medical attention, and so I think that should be brought up at this testimony. Thank you.

Senator STEVENS. Thank you. Professor Inouye.

TESTIMONY OF RONALD K. INOUYE

Mr. INOUYE. On my first trip to Washington, DC, I had the opportunity of enjoying the very, very large-scaled buildings that are frequently found in that town. And on the frieze around the Department of Justice is a very, very poignant quote which I think is very appropriate at this time. "Justice in the life and conduct of the state is possible as first it resides in the hearts and the souls of its citizens."

As one who has had an interest in the Alaskan evacuation and internment for the past 14 years, but who personally was not directly affected, nor will be a beneficiary of any of the proposed redress recommendations, I do have some general comments about S. 2116.

For background, I summarize a portion of my original testimony before the Commission during its 1981 Anchorage hearing:

> Of the Japanese who were living in the territory, several distinct lifestyles seem to have predominated. The first was typified by those who maintained a strong Japanese identity by settling into towns where other Japanese resided, such as Juneau, Ketchikan, and Petersburg. They established businesses, reared families, and participated in an identifiable Japanese community within those towns. The second type is represented by the Issei who maintained less of a Japanese identity when settling into more isolated towns with few or not other Japanese present. These Issei men were married to Alaska Native women and lived more in the style of their wives within those communities, towns such as Bethel, Kotzebue, Tanana, Valdez, Tenakee. Japanese evacuees came from 20 different Alaska communities.

The general evacuation pattern for the first group was as family units except for the resident alien men who were initially interned. Under difficult circumstances similar to that experienced by the evacuated Japanese-Americans outside, the Alaskan Japanese of this first group were interned largely as family units.

The second group experienced separation. Few of the Native wives and children went to the camps outside. Rather, they stayed in the territory. The effects of this separation varied, but in many cases the families had difficulty, particularly lacking a male provider in a subsistence economy and were largely shunned by the predominantly Native community.

I've conducted interviews with a number of individuals whose fathers were evacuated and learned of many of the evacuees' wives were destitute. Some were illiterate and to qualify for public assistance to raise their children were required to sign papers which they didn't understand. Similarly, unaware of property ownership and legal matters, several wives of evacuees were victimized of businesses and property.

Because the mothers were unable to function without husbands, the children were taken away and placed into boarding schools or foster homes. Many of the wives became alcoholics due to the situation or as a result of it.

It is my contention that war evacuation affected not only the men who were interned, but even as significantly their unevacuated wives and children who now live different lives because of the internment. I wish to have them included in title II, this definition section.

Dr. Roger Daniels, a noted evacuation scholar and special historical consultant to the Commission, was a visiting faculty member at the University of Alaska, Fairbanks, last winter. He noted that in the total statistical review of the evacuation and internment, Alaska did not have a large number of people affected relative to the States of Washington, Oregon, or California. However, on a per capita basis, more Alaskans, that is, Aleuts and Japanese-Americans, were affected by Executive Order 9066 than in any other U.S. jurisdiction.

Speaking again to the bill, to ensure Alaska's representation on the Board of Directors for the Civil Liberties Public Education Board, I urge that under title II, section 206(c) there is provision of a formula for representation to ensure that those former evacuees living in areas sparsely populated, like Alaska, are represented. As you are well aware, Alaskans are frequently left out of many Federal programs because of our sparse population.

The creation of the Civil Liberties Public Education Fund for the Japanese and the Aleutian and Pribilof Islands Restitution Fund are both effective mechanisms for involving members of those affected communities for planning for beneficial programs. However, I wish to restate one of my three original recommendations, that there be permanent exhibits on the World War II evacuation and internments of Aleuts and Japanese-Americans be created and placed within the Smithsonian Institution and the Alaska State Museum.

The Smithsonian is a dynamic, living institution which could create an accurate and informative exhibit about this period of U.S. history. Such permanent exhibits in these two institutions would provide authority and an understanding of these events and acknowledge wrongs committed against citizens. But more importantly, the exhibits would symbolize a public recognition of errors for which redress and restituton will be made.

Although the total number of surviving Aleut and Japanese-American evacuees is small relative to the total U.S. populaton, it is still important that redress and restitution be made. And it is imperative that redress and restitution be made with all deliberate haste as the number of survivors lessens every day.

As I querried Dr. Roger Daniels about the redress recommendations of the Commission on Wartime Relocation, he commented succinctly: "Justice delayed is justice denied."

Senator **Stevens**. Thank you very much. Do you have any idea how many numbers would be included if we expanded these people as you suggest?

Mr. **Inouye**. Very few. And it's difficult to assess how many Alaskan Japenses were actually evacuated. The WRA has one set of figures, the Alaska Defense Command has another set. And because many of the wives of the Issei would be very elderly, I don't think there would be a significant number who would still be alive, but I think it's a very symbolic gesture.

Senator **Stevens**. Yeah. All right.

Mr. **Inouye**. I have also some transcripts of the interviews that I conducted, one with Mary Ann Sakamoto Brown of Petersburg, and one with Paul Ozwa of Sitka. I think the transcript with Mary Ann symbolizes the family that was left behind had a very, very difficult time adjusting to the fact they had no head of household. In the case of Mr. Izowa, a man who is half Tlinget and half Japanese, was evacuated and who remembered very poignantly working in Montana in some of the sugar beetfields, saving up his money to go to a restaurant with his wife and seeing signs on the doors that said "No Japs allowed, no Indians allowed." He suffered doubly in instances like that. And I think there are many instances where people who were of both Japanese and of Native descent had severe problems relative to the other groups.

Senator STEVENS. And we have written testimony from both of those people we understand.

Mr. INOUYE. Transcripts of interviews, yes.

Senator STEVENS. Yes. Good. We thank you for that.

Ms. KITO. Mr. Chairman? Excuse me. Mr. Chairman, I think that he mentioned that a lot of half Japanese, you know, over 16 were taken, whether they were full or, you know, just half Japanese and half Indian, Tlinget or Eskimo or Athabascan, or whatever they—or Caucasian. Just as long as they were half Japanese, over 16 years old, they were all taken from Alaska—or from all over I guess.

Mr. INOUYE. Yes.

Senator STEVENS. Well, we had some very interesting testimony in Los Angeles concerning the Japanese-American portion of the bill. There still is a significant controversy in the Japanese community outside concerning the provisions of the bill. I think they will have to be resolved before the bill will have an opportunity of being acted upon by the Congress. But we will be pursuing that when we get back. I appreciate your taking the trouble to come and testify for us today. Thank you very much.

Mr. INOUYE. Thank you.

Ms. KITO. Thank you.

[Mr. Inouye's prepared statement follows:]

S. 2116 Testimony of Ronald K. Inouye
before the Committee on Governmental Affairs
August 29th, 1984, Anchorage, Alaska

> *Justice in the life and conduct of the state*
> *is possible as first it resides in the hearts*
> *and souls of the citizens.*
> ...Department of Justice

The published report of the "Commission on Wartime Relocation and Internment of Civilians" ("Commission") entitled *Personal Justice Denied* provides a great service to all US citizens and particularly to Aleuts, Japanese Americans, and Japanese permanent resident aliens by presenting in print the record of their wartime mistreatment by our President, our Congress, and our Supreme Court.

After the "Commission" heard testimony from many Alaskans in field hearings here about the evacuation of Aleuts, Alaskan Japanese Americans and permanent resident aliens, it is most unfortunate the official report *Personal Justice Denied* made no mention of those 220 evacuated and interned Japanese Alaskans. I am pleased Senator Murkowski succeeded in having this oversight acknowledged in an ever so discrete footnote on page 2 of *Personal Justice Denied, Recommendations.*

As one who has had an interest in the Alaskan evacuation and internment for the past 14 years but who personally was not directly affected, nor will be a beneficiary of any of the proposed redress recommendations, I have some comments about S 2116.

For background I summarize a portion my original testimony before the "Commission" during its 1981 Anchorage hearing. *Of the Japanese who were in the Territory, several distinct life styles seem to have predominated. The first was typified by those who maintained a strong Japanese identity by settling into towns where other Japanese resided such as Juneau, Ketchikan, and Petersburg. They established businesses, reared families, and participated in an identifiable Japanese community within those towns. The second type is represented by Issei who maintained less of a Japanese identity when settling into more isolated towns with few or no other Japanese present. These Issei men then married Alaska Native women and lived more in the style of their wives within those communities such as Bethel, Kotzebue, Tanana, Valdez, Tenakee...Japanese evacuees came from 20 different Alaskan towns.*

The general evacuation pattern for the first group was as family units except for the resident alien men who were initially interned. Under difficult circumstances similar to that experienced by the evacuated Japanese Americans outside, the Alaskan Japanese of this first group were interned largely as family units.

The second group experienced separation. Few of the Native wives and children went to the camps outside, rather they stayed in the Territory. The effects of this separation varied, but in many cases the families had difficulty, particularly lacking a male provider in a subsistence economy and were largely shunned by the predominantly Native community.

I have conducted interviews with a number of individuals whose fathers were evacuated and learned many of the evacuees' wives were destitute. Some were illiterate and to qualify for public assistance to raise their children were required to sign papers which they couldn't understand. Similarly unaware of property ownership and legal matters, several wives of evacuees were victimized of businesses and property.

Because the mothers were unable to function without husbands, their children were taken away and placed into boarding schools or foster homes. Many of the wives became alcoholics due to the situation or as a result of it.

It is my contention that War evacuation affected not only the men who were interned but even as significantly their unevacuated wives and children who now live different lives because of the internment.

The definition section of Title II of S 2116 is unclear. Would the unevacuated family members would be eligible for restitution? I urge their inclusion.

Dr. Roger Daniels, noted evacuation scholar and special historical consultant to the "Commission" was a visiting professor at the University of Alaska, Fairbanks, last winter. He noted that in the total statistical review of the evacuation and internment, Alaska did not have had a large number of people affected relative to the states of Washington, Oregon, or California. However on a per capita basis, more Alaskans--Aleuts and Japanese Americans-- were affected by EO 9066 than in any other US jurisdiction.

To ensure Alaskan's representation on the Board of Directors for the "Civil Liberties Public Education Fund Board" I urge that Title II, section 206 (c) make provision for formula representation. It would ensure that those former evacuees living in areas sparsely populated areas like Alaska are represented. As you are well aware, Alaskans are frequently left out of many federal programs because of our sparse population.

The creation of the "Civil Liberties Public Education Fund" for the Japanese and the Aleutian and Pribilof Islands "Restitution Fund" are both mechanisms for involving members of those affected communities in the planning of beneficial programs. However, I wish to restate one of my three original recommendations to the "Commission": *Permanent exhibits on the World War II evacuation and internments of Aleuts and Japanese Americans be created and placed within the Smithsonian Institution and the Alaska State Museum.*

The Smithsonian is a dynamic, living institution which could create an accurate and informative exhibit about this period of US history. Such permanent exhibits in these two institutions would provide authority and understanding of these events and acqknowledge wrongs committed against citizens; but more importantly the exhibits would symbolize a public recognition of errors for which redress and restitution will be made.

Although the total number of surviving Aleut and Japanese American evacuees is small relative to the total US population, it is still important that redress and restitution be made. And it is imperative that redress and restitution be made with all deliberate haste as the number of survivors lessens every day.

On my first trip to Washington, D.C. some 15 years ago, I was struck with the statement carved in stone around the 10th and Constitution side of the Department of Justice Building, and I recently thought how appropriate those words were to implementing the recommendations in S 2116:

> *Justice in the life and conduct of the state*
> *is possible only as first it resides in the hearts*
> *and souls of the citizens.*

But, as Dr. Roger Daniels commented in Fairbanks when queried about the redress recommendations of the "Commission on Wartime Relocation and Internment of Civilians"...

Justice delayed is justice denied.

Ronald K. Inouye
3036 Riverview Drive
Fairbanks, AK 99701
907/456-7003

Senator **Stevens**. Out next witness is Harriet Beleal.

Ms. Meda Lord. Is Ms. Meda Lord here? Is Ms. Vera Gilbert here? Ms. Polly Hathaway.

Ms. **Hathaway**. Here?

Senator **Stevens**. Yes, please.

TESTIMONY OF PAULINE HATHAWAY

Ms. **Hathaway**. Harriet will be of at 3:00 o'clock.

Mr. Chairman, I'm Polly Hathaway, testifying in behalf of my mother, Margaret Moto. Bill S. 2116, finding and purpose. I agree with all of the finding and purpose in Bill S. 2116.

I agree all 12 to be accurate. Would like to stress on three, providing public education to inform the public so this type of inhumane practice wouldn't happen again to any race.

Page three, purposes, stressing on four. Making restitution to individuals that were involved, meaning wives and widows that were torn from the spouse who provided for the family. In that era, wives stayed home and were homemakers, so it was a shock to be a breadwinner and a sole provider with skills only as a homemaker. So without question the wives and widows should be included in the provision of injust practices of human life.

Definitions on page six. Crinima—on page six, section 202. My father's birth rights were violated since he was born in Alaska and was put in internment in Boise, ID.

Section 205. The whole internment move of people to places unfamiliar was humiliating to the person involved. Stripping the families of property and valuables. That alone compensation should take place.

Section 206, page 10. Entering this bill into history so no repeat actions would take place again to any race for people to view and learn from a bad mistake. I don't know if anybody knows the word "nisei." The word nisei that was used for the American volunteers that volunteered into the front lines during this war that we're talking about. They were—they were a group of American-born Japanese at the front lines of this war and they were one of the most decorated people in history.

I would like to stress on putting what has happened in history so it would not be repeated again with the different type of people that are involved during wartime that have been born in America but were taken to internment.

Thank you.

Senator **Stevens**. Thank you very much, Mrs. Hathaway. We appreciate your coming.

Again let me ask, we have a request from a Mrs. Beleal. Is she here?

Ms. **Hathaway**. She will be of at 3 o'clock.

Senator **Stevens**. Um-hm. Mrs. Lord. Is Darryl——

Mr. **Barnes**. Darryl Pelkey.

Senator **Stevens**. Darryl Pelkey here? Is there any representative of the Sierra Club here now? We'll take a 10-minute recess and see if the other people arrive. Some people were told not to come until 3 p.m. We'll wait and see if they do come. We'll just stand in recess until 3 o'clock.

[After recess.]

Senator **Stevens**. If we could come back into session now. I want to renew the call and see who is here. We had called Mrs. Beleal. Mrs. Lord? Mr. Vera Gilbert? Are there any other people who asked to testify who have not been called upon yet? More people have come in now again. Let me repeat that list: Is Mrs. Beleal here? Mrs. Lord? Mrs. Gilbert? Again, are there any people who asked to testify that have not come up to testify yet? Well, if there are none, we—we have been informed that—we had an indication the Sierra Club might wish to testify. I've been told that there was a meeting with the proponents of the bill yesterday and they'll be in touch with us in Washington.

If there is any further statement that anyone wishes to give us on this, we would be happy to receive it. It should be received in Washington in no less than—no more than a week, which would be a week from today, which is September 5. If you will mail it to our subcommittee. Mr. Mark Barnes who's on our staff here can give you the address in case anyone wishes to send additional information.

Those who have already made a statement, of course, we have your statements. I want to thank all of those who did come and testify today and thank the Court Reporter and my assistant, Ruth Wheeler, who's come in from a long way from Washington also to be here, and Mark Barnes, and thank you all for cooperating with us to make this record. And the record will be closed subject to statements that are received prior to the close of business next Wednesday, September 5. Thank you all very much.

[Whereupon, the subcommittee adjourned, subject to reconvene at the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

98TH CONGRESS
1ST SESSION

S. 2116

To accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17 (legislative day, NOVEMBER 14), 1983

Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. STEVENS, Mr. MURKOWSKI, Mr. CRANSTON, Mr. MELCHER, Mr. METZENBAUM, Mr. RIEGLE, Mr. TSONGAS, Mr. MOYNIHAN, Mr. LEVIN, Mr. PROXMIRE, Mr. DENTON, and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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A BILL

To accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a) FINDINGS.—The Congress finds that—

(1) the findings of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act, accurately and completely de-

scribe the circumstances of the exclusion, relocation, and internment of in excess of one hundred and ten thousand United States citizens and permanent resident aliens of Japanese ancestry and the treatment of the individuals of Aleut ancestry who were removed from the Aleutian and the Pribilof Islands;

(2) the internment of individuals of Japanese ancestry was carried out without any documented acts of espionage or sabotage, or other acts of disloyalty by any citizens or permanent resident aliens of Japanese ancestry on the west coast;

(3) there was no military or security reason for the internment;

(4) the internment of the individuals of Japanese ancestry was caused by racial prejudice, war hysteria, and a failure of political leadership;

(5) the excluded individuals of Japanese ancestry suffered enormous damages and losses, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering;

(6) the basic civil liberties and constitutional rights of those individuals of Japanese ancestry interned were fundamentally violated by that evacuation and internment;

(7) as documented in the Commission's reports, the Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island were relocated during World War II to temporary camps in isolated regions of southeastern Alaska where they remained, under United States control and in the care of the United States, until long after any potential danger to their home villages had passed;

(8) the United States failed to provide reasonable care for the Aleuts, and this resulted in widespread illness, disease, and death among the residents of the camps; and the United States further failed to protect Aleut personal and community property while such property was in its possession or under its control;

(9) the United States has not compensated the Aleuts adequately for the conversion or destruction of personal property and the conversion or destruction of community property caused by United States military occupation of Aleut villages during World War II;

(10) the United States has not removed certain abandoned military equipment and structures from inhabited Aleutian Islands following World War II, thus creating conditions which constitute potential hazards to the health and welfare of the residents of the islands;

(11) the United States has not rehabilitated Attu village, thus precluding the development of Attu Island for the benefit of the Aleut people and impairing the preservation of traditional Aleut property on the island; and

(12) there is no remedy for injustices suffered by the Aleuts during World War II except an Act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry;

(2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of the citizens and permanent resident aliens of Japanese ancestry;

(3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the reoccurrence of any similar event;

(4) make restitution to those individuals of Japanese ancestry who were interned;

(5) make restitution to Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island, in settlement of United States obligations in equity and at law, for—

(A) injustices suffered and unreasonable hardships endured while under United States control during World War II;

(B) personal property taken or destroyed by United States forces during World War II;

(C) community property, including community church property, taken or destroyed by United States forces during World War II; and

(D) traditional village lands on Attu Island not rehabilitated after World War II for Aleut occupation or other productive use.

TITLE I—RECOGNITION OF INJUSTICE AND APOLOGY ON BEHALF OF THE NATION

SEC. 101. The Congress accepts the findings of the Commission on Wartime Relocation and Internment of Civilians and recognizes that a grave injustice was done to both citizens and resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. On behalf of the Nation, the Congress apologizes.

TITLE II—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

DEFINITIONS

SEC. 201. For the purposes of this title—

(1) the term "eligible individual" means any living individual of Japanese ancestry who—

(A) was enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on June 30, 1946, as being in a prohibited military zone; or

(B) was confined, held in custody, or otherwise deprived of liberty or property during the period as a result of—

(i) Executive Order numbered 9066 (February 19, 1942, 7 Fed. Reg. 1407);

(ii) the Act entitled "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones" and approved March 21, 1942 (56 Stat. 173); or

(iii) any other Executive order, Presidential proclamation, law of the United States, directive of the Armed Forces of the

United States, or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation, or detention of individuals on the basis of race;

(2) the term "Fund" means the Civil Liberties Public Education Fund established in section 204;

(3) the term "Board" means the Civil Liberties Public Education Fund Board of Directors established in section 206;

(4) the term "evacuation, relocation, and internment period" means that period beginning on December 7, 1941, and ending on June 30, 1946; and

(5) the term "Commission" means the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act.

CRIMINAL CONVICTIONS

SEC. 202. (a) REVIEW.—The Attorney General shall review all cases in which United States citizens and permanent resident aliens of Japanesse ancestry were convicted of violations of laws of the United States, including convictions for violations of military orders, where such convictions resulted from charges filed against such individuals during the evacuation, relocation, and internment period.

(b) **Recommendations.**—Based upon the review required by subsection (a), the Attorney General shall recommend to the President for pardon consideration those convictions which the Attorney General finds were based on a refusal by such individuals to accept treatment that discriminated against them on the basis of race or ethnicity.

(c) **Pardons.**—In consideration of the findings contained in this Act, the President is requested to offer pardons to those individuals recommended by the Attorney General pursuant to subsection (b).

CONSIDERATION OF COMMISSION FINDINGS

Sec. 203. Departments and agencies of the United States Government to which eligible individuals may apply for the restitution of positions, status or entitlements lost in whole or in part because of discriminatory acts of the United States Government against such individuals based upon their race or ethnicity and which occurred during the evacuation, relocation, and internment period shall review such applications for restitution of positions, status or entitlements with liberality, giving full consideration to the historical findings of the Commission and the findings contained in this Act.

TRUST FUND

Sec. 204. (a) **Establishment.**—There is hereby established in the Treasury of the United States the Civil Liberties Public Education Fund, to be administered by the Secretary of the Treasury. Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and shall only be available for disbursement by the Attorney General under section 205, and by the Board of Directors of the Fund under section 206.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Fund $1,500,000,000.

RESTITUTION

SEC. 205. (a) LOCATION OF ELIGIBLE INDIVIDUALS.—(1) The Attorney General, with the assistance of the Board, shall locate, using records already in the possession of the United States Government, each eligible individual and shall pay out of the Fund to each such individual the sum of $20,000. The Attorney General shall encourage each eligible individual to submit his or her current address to the Department of Justice through a public awareness campaign.

(2) If an eligible individual refuses to accept any payment under this section, such amount shall remain in the Fund and no payment shall be made under this section to such individual at any future date.

(b) PREFERENCE TO OLDEST.—The Attorney General shall endeavor to make payment to eligible individuals who are living in the order of date of birth (with the oldest receiving full payment first), until all eligible individuals who are living have received payment in full.

(c) NONRESIDENTS.—In attempting to locate any eligible individual who resides outside the United States, the Attorney General may use any available facility or resource of any public or nonprofit organization.

(d) NO SET OFF FOR ADMINISTRATIVE COSTS.—No costs incurred by the Attorney General in carrying out this section shall be paid from the Fund or set off against, or otherwise deducted from, any payment under this section to any eligible individual.

BOARD OF DIRECTORS

SEC. 206. (a) ESTABLISHMENT.—There is hereby established the Civil Liberties Public Education Fund Board of Directors which shall be responsible for making disbursements from the Fund in the manner provided in this section.

(b) DISBURSEMENTS FROM FUND.—The Board of Directors may make disbursements from the Fund only—

(1) to sponsor research and public educational activities so that the events surrounding the relocation and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood;

(2) to fund comparative studies of similar civil liberties abuses, or to fund comparative studies of the

effect upon particular groups of racial prejudice embodied by Government action in times of national stress;

(3) to prepare and distribute the hearings and findings of the Commission to textbook publishers, educators, and libraries;

(4) for the general welfare of the ethnic Japanese community in the United States, taking into consideration the effect of the exclusion and detention on the descendants of those individuals who were detained during the evacuation, relocation, and internment period (individual payments in compensation for loss or damages shall not be made under this paragraph); and

(5) for reasonable administrative expenses, including expenses incurred under subsections (c) (3), (d), and (e).

(c) MEMBERSHIP AND TERMS OF OFFICE.—(1) The Board shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of the United States Government. At least five of the individuals appointed shall be individuals who are of Japanese ancestry.

(2)(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of three years.

(B) Of the members first appointed—

(i) five shall be appointed for terms of three years; and

(ii) four shall be appointed for terms of two years;

as designated by the President at the time of appointment.

(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office. No individual may be appointed to more than two consecutive terms.

(3) Members of the Board shall serve without pay, except members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board, in the same manner as persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

(4) Five members of the Board shall constitute a quorum but a lesser number may hold hearings.

(5) The Chair of the Board shall be elected by the members of the Board.

(d)(1) The Board shall have a Director who shall be appointed by the Board and who shall be paid at a rate not to exceed the minimum rate of basic pay payable for GS–18 of the General Schedule under section 5332(a) of title 5, United States Code.

(2) The Board may appoint and fix the pay of such additional staff personnel as it may require.

(3) The Director and the additional staff personnel of the Board may be appointed without regard to section 5311(B) of title 5, United States Code and may be appointed without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Board may not exceed a rate equivalent to the rate payable under GS-18 of the General Schedule under section 5332(a) of such title.

(e) SUPPORT SERVICES.—The Administrator of General Services shall provide to the Board of Directors on a reimbursable basis such administrative support services as the Board may request.

(f) DONATIONS.—The Board may accept, use, and dispose of gifts or donations or services or property for purposes authorized under subsection (b).

(g) ANNUAL REPORT.—Not later than twelve months after the first meeting of the Board and every twelve months thereafter, the Board shall transmit a report describing the activities of the Board to the President and to each House of the Congress.

(h) SUNSET FOR BOARD.—The Board shall terminate not later than the earlier of ninety days after the date on which an amount has been obligated to be expended from the Fund which is equal to the amount authorized to be appropriated to the Fund or ten years after the date of enactment of this Act. Investments shall be liquidated and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

TITLE III—ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION

SHORT TITLE

SEC. 301. This title may be cited as the "Aleutian and Pribilof Islands Restitution Act".

DEFINITIONS

SEC. 302. As used in this title, the term—

(1) "Administrator" means the person designated under the terms of this title to administer certain expenditures made by the Secretary from the Aleutian and Pribilof Islands Restitution Fund;

(2) "affected Aleut villages" means those Aleut villages in Alaska whose residents were evacuated by United States forces during World War II, including

Akutan, Atka, Nikolski, Saint George, Saint Paul, and Unalaska; and the Aleut village of Attu, Alaska, which was not rehabilitated by the United States for Aleut residence or other use after World War II;

(3) "Aleutian Housing Authority" means the nonprofit regional native housing authority established for the Aleut region pursuant to AS 18.55.995 and the following of the laws of the State of Alaska;

(4) "Association" means the Aleutian/Pribilof Islands Association, a nonprofit regional corporation established for the benefit of the Aleut people and organized under the laws of the State of Alaska;

(5) "Corporation" means the Aleut Corporation, a for-profit regional corporation for the Aleut region organized under the laws of the State of Alaska and established pursuant to section 7 of the Alaska Native Claims Settlement Act (Public Law 92-203);

(6) "eligible Aleut" means any Aleut living on the date of enactment of this Act who was a resident of Attu Island on June 7, 1942, or any Aleut living on the date of enactment of this Act who, as a civilian, was relocated by authority of the United States from his home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp,

or other temporary facility or location, during World War II; and

(7) "Secretary" means the Secretary of the Treasury.

ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION FUND

SEC. 303. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a Fund to be known as the Aleutian and Pribilof Islands Restitution Fund (hereinafter referred to as the "Fund"). The Fund shall consist of amounts appropriated to it, as authorized by sections 306 and 307 of this title.

(b) REPORT.—It shall be the duty of the Secretary to hold the Fund, and to report to the Congress each year on the financial condition and the results of operations of such Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

(c) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(1) on original issue at the issue price, or

(2) by purchase of outstanding obligations at the market price.

(d) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary at the market price.

(e) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(f) TERMINATION.—The Secretary shall terminate the Fund six years after the date of enactment of this Act, or one year after the completion of all restoration work pursuant to section 306(c) of this title, whichever occurs later. On the date the Fund is terminated, all investments shall be liquidated by the Secretary and receipts thereof deposited in the Fund and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury.

EXPENDITURES AND AUDIT

SEC. 304. (a) EXPENDITURES.—As provided by appropriation Acts, the Secretary is authorized and directed to pay to the Administrator from the principal, interest, and earnings of the Fund, such sums as are necessary to carry out the duties of the Administrator under this title.

(b) AUDIT.—The activities of the Administrator under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Administrator, pertaining to such activities and necessary to facilitate the audit.

ADMINISTRATION OF CERTAIN FUND EXPENDITURES

SEC. 305. (a) DESIGNATION OF ADMINISTRATOR.—The Association is hereby designated as Administrator, subject to the terms and conditions of this title, of certain specified expenditures made by the Secretary from the Fund. As soon as practicable after the date of enactment of this Act the Secretary shall offer to undertake negotiations with the Association, leading to the execution of a binding agreement with the Association setting forth its duties as Administrator under the terms of this title. The Secretary shall make a good-faith effort to conclude such negotiations and execute such agreement within sixty days after the date of enactment of this Act. Such agreement shall be approved by a majority of the Board of Directors of the Association, and shall include, but need not be limited to—

(1) a detailed statement of the procedures to be employed by the Association in discharging each of its responsibilities as Administrator under this title;

(2) a requirement that the accounts of the Association, as they relate to its capacity as Administrator, shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants; and a further requirement that each such audit report shall be transmitted to the Secretary and to the Committees on the Judiciary of the Senate and House of Representatives; and

(3) a provision establishing the conditions under which the Secretary, upon thirty days notice, may terminate the Association's designation as Administrator for breach of fiduciary duty, failure to comply with the provisions of this Act as they relate to the duties of the Administrator, or any other significant failure to meet its responsibilities as Administrator under this title.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the agreement described in subsection (a) to Congress within fifteen days after approval by the parties thereto. If the Secretary and the Association fail to reach agreement within the period provided in subsection (a), the Secretary shall report such failure to Congress within seventy-five days after the date of enactment of this Act, together with the reasons therefor.

(c) LIMITATION ON EXPENDITURES.—No expenditure may be made by the Secretary to the Administrator from the Fund until sixty days after submission to Congress of the agreement described in subsection (a).

DUTIES OF THE ADMINISTRATOR

SEC. 306. (a) IN GENERAL.—Out of payments from the Fund made to the Administrator by the Secretary, the Administrator shall make restitution, as provided by this section, for certain Aleut losses sustained in World War II, and shall take such other action as may be required by this title.

(b) TRUST ESTABLISHED.—(1) The Administrator shall establish a trust of $5,000,000 for the benefit of affected Aleut communities, and for other purposes. Such trust shall be established pursuant to the laws of the State of Alaska, and shall be maintained and operated by not more than seven trustees, as designated by the Administrator. Each affected Aleut village, including the survivors of the Aleut village of Attu, may submit to the Administrator a list of three prospective trustees. In designating trustees pursuant to this subsection, the Administrator shall designate one trustee from each such list submitted.

(2) The trustees shall maintain and operate the trust as eight independent and separate accounts, including—

(A) one account for the independent benefit of the wartime Aleut residents of Attu and their descendants;

(B) six accounts, each one of which shall be for the independent benefit of one of the six surviving affected Aleut villages of Atka, Akutan, Nikolski, Saint George, Saint Paul, and Unalaska; and

(C) one account for the independent benefit of those Aleuts who, as determined by the trustees, are deserving but will not benefit directly from the accounts established pursuant to subparagraphs (A) and (B).

The trustees shall credit to the account described in subparagraph (C), an amount equal to five per centum of the principal amount credited by the Administrator to the trust. The remaining principal amount shall be divided among the accounts described in subparagraphs (A) and (B), in proportion to the June 1, 1942, Aleut civilian population of the village for which each such account is established, as compared to the total civilian Aleut population on such date of all affected Aleut villages.

(3) The trust established by this subsection shall be administered in a manner that is consistent with the laws of the State of Alaska, and as prescribed by the Administrator, after consultation with representative eligible Aleuts, the residents of affected Aleut villages, and the Secretary. The trustees may use the accrued interest, and other earnings of the trust for—

(A) the benefit of elderly, disabled, or seriously ill persons on the basis of special need;

(B) the benefit of students in need of scholarship assistance;

(C) the preservation of Aleut cultural heritage and historical records;

(D) the improvement of community centers in affected Aleut villages; and

(E) other purposes to improve the condition of Aleut life, as determined by the trustees.

(4) There are authorized to be appropriated $5,000,000 to the Fund to carry out the purposes of this subsection.

(c) RESTORATION OF CHURCH PROPERTY.—(1) The Administrator is authorized to rebuild, restore or replace churches and church property damaged or destroyed in affected Aleut villages during World War II. Within fifteen days after the date that expenditures from the Fund are authorized by this title, the Secretary shall pay $100,000 to the Administrator for the purpose of making an inventory and assessment, as complete as may be possible under the circumstances, of all churches and church property damaged or destroyed in affected Aleut villages during World War II. In making such inventory and assessment, the Administrator shall consult with the trustees of the trust established by section 306(b) of this title and shall take into consideration, among other things, the present replacement value of such damaged or destroyed structures, furnishings, and artifacts. Within one year after the date of enactment of this Act, the Administrator shall submit such inventory and assessment, together with specific recommendations and detailed plans for reconstruction, restoration and replacement work to be performed, to a review panel composed of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairman of the National Endowment for the Arts; and

(C) the Administrator of the General Services Administration.

(2) If the Administrator's plans and recommendations or any portion of them are not disapproved by the review panel within sixty days, such plans and recommendations as are not disapproved shall be implemented as soon as practicable by the Administrator. If any portion of the Administrator's plans and recommendations is disapproved, such portion shall be revised and resubmitted to the review panel as soon as practicable after notice of disapproval, and the reasons therefor, have been received by the Administrator. In any case of irreconcilable differences between the Administrator and the review panel with respect to any specific portion of the plans and recommendations for work to be performed under this

subsection, the Secretary shall submit such specific portion of such plans and recommendations to the Congress for approval or disapproval by joint resolution.

(3) In contracting for any necessary construction work to be performed on churches or church property under this subsection, the Administrator shall give preference to the Aleutian Housing Authority as general contractor. For purposes of this subsection, "churches or church property" shall be deemed to be "public facilities" as described in AS 18.55.996(b) of the laws of the State of Alaska.

(4) There are authorized to be appropriated to the Fund $1,399,000 to carry out the purposes of this subsection.

(d) ADMINISTRATIVE AND LEGAL EXPENSES.—The Administrator is authorized to incur reasonable and necessary administrative and legal expenses in carrying out its responsibilities under this title. There are authorized to be appropriated to the Fund such sums as may be necessary for the Secretary to compensate the Administrator, not less often than quarterly, for all such reasonable and necessary administrative and legal expenses.

INDIVIDUAL COMPENSATION OF ELIGIBLE ALEUTS

SEC. 307. (a) PAYMENTS TO ELIGIBLE ALEUTS.—(1) In accordance with the provisions of this section, the Secretary shall make per capita payments out of the Fund to eligible Aleuts for uncompensated personal property losses, and for other purposes. The Secretary shall pay to each eligible Aleut the sum of $12,000. All payments to eligible Aleuts shall be made within one year after the date of enactment of this Act.

(2) The Secretary may request, and upon such request, the Attorney General shall provide, reasonable assistance in locating eligible Aleuts residing outside the affected Aleut villages. In providing such assistance, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(3) The Administrator shall assist the Secretary in identifying and locating eligible Aleuts pursuant to this section.

(4) Any payment made under this subsection shall not be considered income or receipts for purposes of any Federal taxes or for purposes of determining the eligibility for or the amount of any benefits or assistance provided under any Federal program or under any State or local program financed in whole or part with Federal funds.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes of this section.

MINIMUM CLEANUP OF WARTIME DEBRIS

SEC. 308. (a) CLEANUP PROGRAM.—The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan and implement a program, as the

Chief of Engineers may deem feasible and appropriate, for the removal and disposal of live ammunition, obsolete buildings, abandoned machinery, and other hazardous debris remaining in populated areas of the lower Alaska peninsula and the Aleutian Islands as a result of military construction and other activities during World War II. The Congress finds that such a program is essential for the further development of safe, sanitary housing conditions, public facilities, and public utilities within the region.

(b) ADMINISTRATION OF PROGRAM.—The debris removal program authorized under subsection (a) shall be carried out substantially in accordance with the recommendations for a "minimum cleanup", at an estimated cost of $22,473,180 based on 1976 prices, contained in the report prepared by the Alaska District, Corps of Engineers, entitled "Debris Removal and Cleanup Study: Aleutian Islands and lower Alaska Peninsula, Alaska", dated October 1976. In carrying out the program required by this section, the Chief of Engineers shall consult with the trustees of the trust established by section 306(b) of this title, and shall give preference to the Aleutian Housing Authority as general contractor.

(c) AUTHORIZATION.—There are authorized to be appropriated $38,601,000 to carry out the purposes of this section.

ATTU ISLAND REHABILITATION PROGRAM

SEC. 309. (a) CONVEYANCE.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to convey to the Corporation, subject to the requirements of this section and without cost to the Corporation, all right, title and interest of the United States in and to the lands and waters comprising Attu Island, Alaska, including fee simple title to the surface and subsurface estates of such island.

(b) CONDITIONS.—The Secretary of the Interior shall make the conveyance described in subsection (a) within one year after—

(1) the Corporation has entered into a cooperative management agreement with the Secretary of the Interior, as provided in section 304(f) of the Alaska National Interest Lands Conservation Act (Public Law 96–487), concerning the management of Attu Island; and

(2) the Secretary of Transportation and the Corporation have certified to the Secretary of the Interior that the Department of Transportation and the Corporation have reached an agreement which will allow the United States Coast Guard to continue essential functions on Attu Island. The patent conveying the lands under this section shall reflect the right of the Coast

Guard to continue such essential functions on such island, with reversion to the Corporation of all interests held by the Coast Guard when and if the Coast Guard terminates its activities on the island.

(c) RULES AND REGULATIONS.—The Secretary of the Interior is authorized to promulgate such rules and regulations as may be necessary to carry out the purposes of this section.

SEPARABILITY OF PROVISIONS

SEC. 310. If any provision of this title, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE IV—MISCELLANEOUS PROVISIONS

DOCUMENTS RELATING TO THE INTERNMENT

SEC. 401. (a) DELIVERY TO NATIONAL ARCHIVES.—All documents, personal testimony, and other material collected by the Commission on Wartime Relocation and Internment of Civilians during its inquiry shall be delivered by the custodian of such material to the Administrator of General Services who shall deposit such material in the National Archives of the United States. The Administrator of General Services, through the National Archives of the United States, shall make such material available to the public for research purposes.

(b) CONGRESSIONAL DOCUMENTS.—The Clerk of the House of Representatives and the Secretary of the Senate shall direct the Administrator of General Services to make available, beginning on the date of the enactment of this Act, to the public, for research purposes, all congressional documents transferred to the Clerk of the House and the Secretary of the Senate relating to the evacuation, relocation, and internment of individuals of Japanese or Aleut ancestry during World War II.

COMPLIANCE WITH BUDGET ACT

SEC. 402. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as are provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1984.

IN SUPPORT OF S. 2116, A BILL TO ACCEPT THE FINDINGS AND IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Statement of U. S. Senator Spark Matsunaga of Hawaii
Before the Subcommittee on Civil Service,
Post Office and General Services

Senate Committee on Governmental Affairs

August 16, 1984

Mr. Chairman, thank you very much for arranging these early hearings on S. 2116, a bill which would accept the findings and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The nine-member study commission, composed of distinguished Americans from both the public and private sectors, was established by Congress in 1980 to examine the facts surrounding the issuance of Executive Order 9066 and the subsequent relocation and internment of some 120,000 Americans and resident aliens of Japanese ancestry during World War II. In addition, the Commission was mandated by Congress to examine the circumstances surrounding the evacuation of the Aleutian Islands and the relocation of Native American Aleuts. The Commission submitted its final report, entitled Personal Justice Denied, in June 1983 and, in November 1983, I introduced S. 2116. The bill has 20 cosponsors now, including the distinguished chairman of this subcommittee. It is a bipartisan bill which has the support of senators all across the political spectrum.

Our bill would provide a long overdue remedy for what has become known as one of America's worst wartime mistakes: the incarceration and detention under armed guard of 120,000 Americans and resident aliens of Japanese ancestry from the West Coast and Hawaii. The Commission's report confirmed what Japanese Americans have known for forty years: the mass evacuation of Japanese Americans from their West Coast homes and their detention in what can only be described as American-style concentration camps could not be justified on the basis of military necessity, and in fact resulted from racial prejudice, wartime hysteria, and the failure of political leadership in this country.

Some two months after the attack on Pearl Harbor, President Roosevelt issued Executive Order 9066. The Executive Order gave to the Secretary of War the authority to designate "military areas" and to exclude "any or all" persons from such areas. Penalties for the violation of the military restrictions were subsequently established by Congress in Public Law 77-503, enacted in March 1942.

Also in March, the military commander of the Western District issued four public proclamations establishing restricted zones in eight western states, instituting a curfew applicable to enemy aliens and "persons of Japanese ancestry," and restricting the travel of Americans and alien residents of Japanese ancestry. The first "Civilian Exclusion Order" was issued by the Western District Commander on March 24, 1942 and marked the beginning of the relocation and internment of the Japanese Americans. Although the civilian courts and law enforcement agencies were operating normally on the West Coast, not a single one of the evacuees was ever charged or indicted for the commission of a crime, tried or convicted.

Even today, many Americans are unaware of what happened to their fellow citizens of Japanese ancestry during World War II. No doubt, many were surprised and shocked by the Commission's findings and some will reject its recommendations. It is a distressing fact that many Americans still equate Americans of Japanese ancestry with the Japanese enemy of World War II who bombed Pearl Harbor. On a number of occasions since I introduced S. 2116, I have been told that "the Japanese" should receive monetary compensation only if Japan agrees to pay reparations to the families of Americans who were killed or captured during the war.

In fact, about 80 percent of those who were relocated and interned by the U. S. government during the war were born in the United States and were demonstrably loyal to the country of their birth. Of these, many were children under the age of 18 and some were very young children--infants and toddlers.

The remaining 20 percent, including many elderly people, were longtime legal residents of the United States who were prohibited by federal law from becoming naturalized American citizens, purely on account of their Asian origin.

All of them--native-born Americans and legal alien residents alike--were entitled to the protection of the U. S. Constitution, but their constitutional rights were denied. Without any hearing or due process of law, they were first subjected to onerous curfews and travel restrictions, and then summarily ordered on short notice of 72 hours to evacuate their homes, taking with them only what they could hand carry and leaving most of their possessions behind, unattended.

By way of comparison, it is interesting to note the treatment of Japanese Americans in Hawaii, which had actually suffered an enemy attack and which was under martial law. If there was military justification for removal of Japanese Americans from the continental West Coast, surely the case should have been stronger in Hawaii where the Japanese Americans constituted 36 percent of the total population. However, because the commanding general in Hawaii, Delos Emmons, held firmly to his position that the ethnic Japanese in Hawaii should be treated as being loyal to the United States, absent evidence to the contrary, less than 1,500 were evacuated on a selective basis consisting primarily of Buddhist and Shinto priests, Japanese school principals, and Japanese community leaders with ties to the Japanese consulate.

It is also interesting to note the treatment of actual enemy aliens who were in this country at the outbreak of the war. In Washington, D. C., Japanese diplomats and military officials were placed under "house arrest" at the Japanese embassy by the FBI, pending their return to Japan. FBI offices throughout the country were instructed to take the same action at Japanese consulates in our major cities. FBI Director J. Edgar Hoover ordered his agents to "be courteous" to the Japanese diplomats, hoping that American citizens in Japan would be treated in a similar manner. Confident of the FBI's ability to identify and apprehend any saboteurs and spies, Hoover was one of only a handful of federal officials who opposed the mass relocation and incarceration of Japanese Americans.

Although many Americans reject the idea that racism could have been the basis of the wartime policy of relocation and detention, history reveals that Japanese Americans on the West Coast were the targets of racial discrimination for many years prior to World War II. As the Commission on Wartime Relocation and Internment of Civilians reported:

> "Antipathy and hostility toward the ethnic Japanese was a major factor of the public life of the West Coast states for more than forty years before Pearl Harbor. Under pressure from California, immigration from Japan had been severely restricted in 1908 and entirely prohibited in 1924. Japanese immigrants were barred from American citizenship, although their children born here were citizens by birth. California and the other western states prohibited Japanese immigrants from owning land."

According to the Commission, "the ethnic Japanese, small in number and with no political voice...became a convenient target for political demogogues."

The Commission found that the Western District Military Commander, Lt. General John DeWitt, relied heavily on the advice of such "political demogogues," civilian interest groups, and the media in making his recommendation for the internment of all 120,000 Japanese Americans, and reliance on these sources replaced informed military judgment. In his February 14, 1942 recommendation to Secretary of War Henry Stimson, DeWitt wrote:

> "...racial affinities are not severed by migration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship, have become 'Americanized,' the racial strains are undiluted....It, therefore, follows that along the vital Pacific Coast over 112,000 potential enemies of Japanese extraction are at large today."

As a nation of immigrants, we can surely reject General DeWitt's belief that loyalty is determined solely by race or ethnicity. Indeed, his views with respect to race were not shared by Secretary Stimson or by Assistant Secretary of War John J. McCloy. But they failed to insist on a clear military justification for the measures which General DeWitt wished to take. Although Attorney General Francis Biddle also rejected General DeWitt's views with respect to race and believed the mass exclusion of Japanese Americans from the West Coast to be unnecessary, he did not argue to President Roosevelt that failure to make out a case of military necessity on the facts would render the exclusion constitutionally impermissible, or that the Constitution prohibited exclusion on the basis of ethnicity. Perhaps because of the "wartime hysteria" and particularly the clamor on the West Coast, President Roosevelt agreed to carry out the policy of exclusion and detention without raising the question to the level of cabinet discussion or requiring careful review. Roosevelt himself later declared that "Americanism is a matter of the mind and heart-- not race or ancestry."

The wholesale incarceration of Japanese Americans was unprecedented in our Nation's history and in later years, scholars, political scientists and others would ask, "Why?" and "How could the United States, even in time of war, suspend its most cherished ideals-- principles enshrined in our Constitution since the founding of our Nation?" It is hard indeed, for even fair-minded Americans to believe that racism or a failure of political leadership could move our government into such irresponsible acts. So, in recent months, a new theory has been advanced. It is said that the mass incarceration of Japanese Americans on the West Coast was justified because of information contained in the "Magic" cables.

In 1940, United States cryptologists succeeded in breaking the Japanese diplomatic code called "Magic" or "Purple." The American intercepts remained a closely guarded secret until after World War II. Because they were able to intercept and decode the Japanese diplomatic cables, American officials knew that Japan was attempting to establish an intelligence network in the United States. It appears, on the basis of the cable traffic that little useful information was obtained from this source. However, it has been established that Japan advised its consulates in the United States to try to recruit as agents members of labor unions, members of black civil rights organizations, white Americans, and anti-Semites. Japanese diplomats in the United States were specifically warned against recruiting as agents Americans of Japanese ancestry, for, Tokyo said, "(if) there is any slip in this phase, our people in the United States will be subjected to considerable persecution...." In fact, evidence obtained by U. S. military intelligence authorities on the West Coast in 1941 revealed that the Japanese government regarded second generation Japanese Americans as "cultural traitors" who were not to be trusted.

If the "Magic" cables are to be used as a military justification for the relocation and internment of Japanese Americans, then one must ask why the United States did not also arrest and imprison all labor union members and all members of civil rights organizations in the United States. In truth, the responsible military intelligence authorities on the West Coast found no evidence that Americans and resident aliens of Japanese ancestry ever engaged in any form of sabotage or espionage, before, during or after the attack on Pearl Harbor. The "Magic" cables provide absolutely no justification for the wartime detention of Japanese Americans.

Mr. Chairman, here in this great country of ours, even the most heinous criminal is granted his day in court. An innocent person, falsely arrested and imprisoned, has the right to petition his government for redress and to receive compensation for the wrong inflicted on him. S. 2116 would merely restore to Japanese Americans these rights which were denied them forty years ago. Its basic provisions provide for token compensation to each of the approximately 60,000 surviving former internees and for recognition of the facts by the United States government.

As reported by the Commission, many who were directly or indirectly responsible for the mass evacuation and detention of Americans and resident aliens of Japanese ancestry in World War II, have, after the war, acknowledged the wrong inflicted on the evacuees. Henry L. Stimson, then Secretary of War, recognized that "to loyal citizens, this forced evacuation was a personal injustice." Francis Biddle, then Attorney General, expressed his belief that "the program was ill-advised, unnecessary and unnecessarily cruel." Milton Eisenhower described the evacuation and detention as "an inhuman mistake." Chief Justice Earl Warren, who had urged evacuation as Attorney General of California, stated, "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with out American concept of freedom and the rights of citizens." Justice Tom C. Clark, who had been liaison between the Justice Department and the Western Defense Command, concluded, "Looking back on it today (the evacuation) was, of course, a mistake."

It is time the Congress, too, acknowledged the grave injustice inflicted by the federal government on the evacuees of Japanese ancestry and Aleuts during World War II. Passage of S. 2116 would remove a blot on the pages of our nation's history and it would remove a cloud which has hung over the heads of innocent Americans of Japanese ancestry since World War II. I strongly urge the subcommittee to give S. 2116 its favorable consideration.

Thank you very much.

TESTIMONY OF
CONGRESSMAN ROBERT T. MATSUI

MR. CHAIRMAN, I WOULD LIKE TO THANK BOTH YOU AND THE OTHER MEMBERS OF THE SUBCOMMITTEE FOR HOLDING THESE HEARINGS ON S. 2116. THE TOPIC BEFORE US IS OF TREMENDOUS IMPORTANCE FOR OUR SYSTEM OF CONSTITUTIONAL LIBERTY, AND I THANK YOU FOR YOUR EXCELLENT LEADERSHIP.

WILLIAM HOWARD TAFT REMINDED US THAT "CONSTITUTIONS ARE CHECKS ON THE HASTY ACTIONS OF THE MAJORITY." TODAY WE ARE FACED WITH THE MEMORY OF A TIME WHEN OUR SYSTEM FAILED TO PROVIDE THE NECESSARY CHECKS...WHEN HASTY ACTIONS TRAMPLED OVER THE RIGHTS OF 120,000 PEOPLE, MOST OF WHOM WERE CITIZENS OF THIS COUNTRY.

BUT TODAY WE HAVE THE OPPORTUNITY TO RESTORE THE SYSTEM TO ITS PROPER BALANCE. WITH LEGISLATIVE ACTION, WE CAN AT LAST PROVIDE REDRESS TO AMERICANS OF JAPANESE ANCESTRY WHO WERE DEPRIVED OF THEIR BASIC CIVIL RIGHTS DURING WORLD WAR II.

THE CIVIL RIGHTS ABRIDGMENT BEGAN FOR AMERICAN OF JAPANESE ANCESTRY ON FEBRUARY 19, 1942, WHEN PRESIDENT FRANKLIN ROOSEVELT SIGNED THE INFAMOUS EXECUTIVE ORDER 9066. THIS ORDER AUTHORIZED MILITARY COMMANDERS TO EXCLUDE CITIZENS AND ALIENS FROM CERTAIN AREAS FOR REASONS OF NATIONAL SECURITY, TO PROTECT AGAINST ACTS OF SABOTAGE AND ESPIONAGE. THE ORDER WAS PROMULGATED REGARDLESS OF THE FACT THAT NO DOCUMENTED CASES OF DISLOYALTY BY JAPANESE AMERICANS EXISTED AND NONE HAVE SUBSEQUENTLY ARISEN.

EXECUTIVE ORDER 9066 WAS THE FIRST STEP IN AN ODYSSEY OF DEPRIVATION, DETENTION, AND DENIAL OF CIVIL RIGHTS. SOON AFTER THE ORDER, ALL AMERICAN CITIZENS OF JAPANESE ANCESTRY AND

RESIDENT ALIENS WERE PROHIBITED FROM LIVING, WORKING, OR TRAVELING ON THE WEST COAST. JAPANESE AMERICANS LIVING IN THE AREA WERE REMOVED TO TEMPORARY ASSEMBLY CENTERS AND THEN ON TO RELOCATION CAMPS, WHERE CONDITIONS RANGED FROM PASSABLE TO DEPLORABLE.

FOR ME, AND I KNOW THIS IS TRUE FOR MANY OTHERS HERE, THIS ISSUE IS ENDOWED WITH STRONG PERSONAL MEMORIES. I WAS TEN MONTHS OLD WHEN I ENTERED THE INTERNMENT CAMP AT TULE LAKE WITH MY FAMILY. LIKE SO MANY OF THOSE INTERNED, MY PARENTS WERE PROUD CITIZENS OF THE UNITED STATES -- A COUNTRY THEY HAD KNOWN TO BE JUST AND RULED BY A REASONED CONSTITUTIONAL LAW.

BUT WITH EXECUTIVE ORDER 9066, MY PARENTS' CITIZENSHIP AND LOYALTY SUDDENLY MEANT NOTHING. THE EXCLUSION AND DETENTION ORDER RECOGNIZED ANCESTRY AND ONLY ANCESTRY. THAT THEY WERE BORN IN THIS COUNTRY, UPHELD ITS LAWS, AND WERE LOYAL TO ITS PRINCIPLES WAS DISCARDED AS IRRELEVANT.

WHAT WAS THE EXPERIENCE OF THAT CAMP? FOR MY PARENTS THERE WAS THE DISCOURAGING LOSS OF BUSINESS, HOME, AND OTHER POSSESSIONS. THERE ARE VISIONS OF BARBED WIRE FENCES AND SENTRY DOGS; OF LOSS OF PRIVACY AND LACK OF ADEQUATE SANITATION; AND MEMORIES OF THE HEART-WRENCHING DIVISIONS THAT OCCURRED AS FAMILIES WERE SEPARATED BY PHYSICAL DISTANCE AND THE EMOTIONAL DISTRESS OF THE CAMPS. AND THERE WAS THE STIGMA OF IMPLIED GUILT AS THIS NATION DETERMINED THAT WE WERE A THREAT TO NATIONAL SECURITY, THAT BECAUSE OF OUR RACE, NO MATTER HOW MANY

GENERATIONS PASSED, AMERICANS OF JAPANESE ANCESTRY COULD NEVER REALLY BE TRUSTWORTHY AMERICANS.

I MIGHT ADD, MY FAMILY WAS RELATIVELY FORTUNATE. AFTER NINE MONTHS, WE WERE ABLE TO MOVE ON TO A FARM LABOR AREA IN IDAHO. ALTHOUGH THERE WERE NO SOLDIERS OR WATCHTOWERS, WE REMAINED WITHIN RESTRICTED BOUNDARIES, UNABLE TO RETURN TO OUR HOME IN CALIFORNIA FOR THREE MORE YEARS.

BUT WHAT IS MOST STRIKING ABOUT ALL OF THESE INTERNMENT CAMP STORIES I HAVE GROWN UP WITH, IS THE FAITH AND HOPE THAT REMAINED. FAITH IN THE LAW OF THE LAND; PRIDE IN THIS COUNTRY; AND MOST OF ALL, A SINCERE DESIRE TO PROVE LOYALTY TO THIS GREAT NATION AND BE ALLOWED TO SERVE ITS IDEALS AND PRINCIPLES. ALL THIS, DESPITE THE FACT THAT BASIC CONSTITUTIONAL AND CIVIL RIGHTS WERE BEING DENIED.

THE MOST STRIKING AND POIGNANT EXAMPLE CAN BE SEEN WITH THE FAMED 442ND REGIMENTAL COMBAT TEAM, THE ALL JAPANESE AMERICAN MILITARY UNIT OF THE SECOND WORLD WAR. THE DISTINGUISHED SENATOR INOUYE AND SENATOR MATSUNAGA WERE MEMBERS OF THIS CELEBRATED UNIT. THE 442ND, WHICH FOUGHT IN SOME OF THE FIERCEST AND BLOODIEST CAMPAIGNS OF THE EUROPEAN THEATRE, WAS THE MOST HIGHLY DECORATED UNIT OF ITS SIZE IN THE MILITARY HISTORY OF THE UNITED STATES. THE 442ND WAS MADE UP OF JAPANESE AMERICANS FROM HAWAII, WHO GAVE THE UNIT ITS "GO FOR BROKE" MOTTO, AND OF MAINLAND JAPANESE AMERICANS WHO HAD VOLUNTEERED FROM THIS NATION'S DETENTION CAMPS. FORCED TO LEAVE THEIR HOMES ON THE WEST COAST

WITH THEIR FAMILIES, THESE DEDICATED AMERICANS VOLUNTEERED FOR COMBAT DUTY TO DEMONSTRATE THEIR LOYALTY TO THE UNITED STATES. WHILE THEY SHED THEIR BLOOD IN THE SERVICE OF THIS NATION, THEIR FAMILIES--PARENTS, BROTHERS, SISTERS, WIVES, AND CHILDREN--REMAINED BEHIND BARBED WIRE AND UNDER ARMED MILITARY GUARD IN THE CAMPS.

IT IS THE SPIRIT OF THIS FAITH THAT BRINGS ME BEFORE YOU TODAY. FOR I FIRMLY BELIEVE THAT OUR ACTIONS HERE ARE ESSENTIAL FOR GIVING CREDIBILITY TO OUR CONSTITUTIONAL SYSTEM AND REINFORCING OUR TRADITION OF JUSTICE.

AS YOU WILL HEAR TODAY FROM THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS, THERE IS NO QUESTION THAT BASIC CIVIL RIGHTS WERE DENIED. THERE WAS NO REVIEW OF INDIVIDUAL CASES AND NO EXCEPTIONS OR CONSIDERATION OF PERSONAL SERVICE. THE BASIC CONCEPT OF HABEAS CORPUS WAS FORGOTTEN. RATHER THAN THE TRADITIONAL ASSUMPTION OF INNOCENCE AND PROCEDURE OF INDIVIDUAL REVIEW, ALL AMERICANS OF JAPANESE ANCESTRY WERE ASSUMED A THREAT SOLELY ON THE BASIS OF THEIR HERITAGE.

THERE ARE MANY PEOPLE WHO ARGUE THAT THE EXCLUSION AND DETENTION WAS A MATTER OF MILITARY NECESSITY, THAT THE ATTACK ON PEARL HARBOR WAS SO SUDDEN OFFICIALS HAD NO CHOICE BUT TO MOVE TO THE IMMEDIATE AND EXTREME ACTION OF EXCLUSION AND DETENTION. HOWEVER, UPON CLOSER CONSIDERATIONS, NUMEROUS QUESTIONS ARISE CONCERNING THE NECESSITY OF SUCH ACTION.

APOLOGISTS POINT TO THE CONFUSION AND PANIC IMMEDIATELY

FOLLOWING THE PEARL HARBOR ATTACK. THEY PAINT A CONVINCING PICTURE OF A SURPRISE ATTACK ON THE COUNTRY AND A RESULTING PANIC AND TERROR THAT CALLED FOR IMMEDIATE, EMERGENCY MEASURES. THIS ARGUMENT WEAKENS, HOWEVER, UPON EXAMINATION OF THE CHRONOLOGY OF EVENTS. THE PEARL HARBOR ATTACK TOOK PLACE ON DECEMBER 7, 1941. THE EXECUTIVE ORDER WAS NOT SIGNED UNTIL FEBRUARY 19, 1942, TWO AND ONE-HALF MONTHS LATER. THE EVACUATION AND EXCLUSION THEMSELVES WERE NOT COMPLETED FOR AN ADDITIONAL SEVERAL MONTHS, FOR A TOTAL OF ALMOST SIX MONTHS. IF THE DETENTION WAS A MATTER OF MILITARY EMERGENCY, WHY WAS SO MUCH TIME ALLOWED TO ELAPSE?

IN RESPONSE TO THE LACK OF INDIVIDUAL REVIEW, OTHERS CLAIM THAT THE PROCESS OF ESTABLISHING INDIVIDUAL LOYALTY WAS A MAMMOTH TASK, FAR BEYOND THE RESOURCES AND TIME AVAILABLE TO OFFICIALS IN THAT PERIOD. THE CASE OF THE BRITISH GOVERNMENT, HOWEVER, INDICATES THAT SUCH A REVIEW WOULD HAVE BEEN POSSIBLE. THE BRITISH GOVERNMENT ESTABLISHED HEARING BOARDS TO REVIEW THE 74,000 CITIZENS OF THE NATIONS WITH WHICH ENGLAND WAS AT WAR. THE PROCESS WAS COMPLETED IN LESS THAN SIX MONTHS AND LESS THAN TEN PERCENT WERE DETERMINED TO BE "POTENTIALLY DANGEROUS" THIS EXAMPLE IS PARTICULARLY STRIKING SINCE THE BRITISH WERE DEALING ENTIRELY WITH CITIZENS OF ENEMY NATIONS, NOT BRITISH SUBJECTS, AND THESE WERE NATIONALS OF NEARBY GERMANY AND ITALY.

IN ADDITION, ONE MUST WONDER ABOUT THE CASE OF AMERICANS OF GERMAN AND ITALIAN ANCESTRY. IF INTERNMENT WAS A MATTER OF FEAR

OF ANCESTRY FROM NATIONS WITH WHICH WE WERE AT WAR, WHY WAS THE EXERCISE NOT DUPLICATED FOR ITALIAN AND GERMAN AMERICANS?

ONE VISION OVERRIDES ALL OF THE ARGUMENTS ABOUT INTENT AND MOTIVE: REGARDLESS OF THE RATIONALE, CONSTITUTIONAL RIGHTS WERE SIMPLY IGNORED. FOR MY PART, I WOULD LIKE TO LEAVE THE SUBCOMMITTEE WITH THE SIMPLE THOUGHT, THAT BECAUSE JUSTICE WAS DENIED, THERE IS A NEED FOR REDRESS. THE QUESTION BEFORE US MUST BE TO PROVIDE THE MOST APPROPRIATE FORM OF REDRESS FOR THIS TRAGIC EPISODE IN OUR NATION'S HISTORY.

AS A LAWMAKER INVOLVED IN FRAMING THE REDRESS LEGISLATION, I WILL NOT ACCEPT MONETARY REPARATIONS -- TO DO SO WOULD LEAD SOME TO SUGGEST MY ACTIONS ARE MOTIVATED BY SELF-INTEREST. THEY ARE NOT. I AM CONVINCED THAT MONETARY COMPENSATION MUST BE A PART OF ANY REDRESS EFFORT. ESTIMATES OF LOSSES FROM INCOME AND PROPERTY ALONE WOULD ACCOUNT FOR THE SUM REQUESTED BY THE BILL. SUCH ESTIMATES DO NOT INCLUDE DISRUPTION OF CAREERS, LONG-TERM LOSS OF OPPORTUNITY, AND THE TREMENDOUS PERSONAL LOSSES FROM THE DENIAL OF FREEDOM AND THE STIGMA OF BEING INTERNED. THESE ARE THE TYPES OF ISSUES CONSIDERED WHEN AWARDING DAMAGES.

BUT THE LOGIC OF COMPENSATION GOES FAR BEYOND SIMPLE ECONOMICS. OUR LEGAL TRADITION PROVIDES US WITH THE SYSTEM OF DAMAGE COMPENSATION TO STRESS THE NOTION OF ACCOUNTABILITY. IF WE MAKE IT ABSOLUTELY CLEAR THAT PEOPLE WILL BE HELD ACCOUNTABLE FOR THEIR ACTIONS, WE CAN HOPE TO DETER SUCH ACTIONS IN THE FUTURE. WHEN THE ACTIONS ARE TAKEN BY OUR GOVERNMENT, IT IS

PARTICULARLY IMPORTANT TO STRESS THAT WE WILL HOLD IT ACCOUNTABLE FOR ITS ACTIONS.

THERE ARE NUMEROUS LEGAL PRECEDENTS TO EMPHASIZE THE FACT THAT THE GOVERNMENT MAY BE HELD ACCOUNTABLE IF IT DEPRIVES CITIZENS OF THEIR PROPERTY OR LIBERTY. A RECENT EXAMPLE OCCURRED IN 1971 WHEN A WASHINGTON D.C. COURT AWARDED $10,000 EACH TO MORE THAN 1,000 VIETNAM PEACE DEMONSTRATORS FOR BEING HELD FOR TWO DAYS. CASES LIKE THIS ARE A REMINDER THAT WHEN THE GOVERNMENT ERRS BY DENYING LIBERTIES, MONETARY COMPENSATION IS APPROPRIATE.

SOME WILL ARGUE THAT THERE WERE EXTENUATING CIRCUMSTANCES, THAT OUR NATIONAL GOVERNMENT ACTED IN WHAT IT BELIEVED TO BE EVERYONE'S BEST INTEREST. BUT I MUST CONTEND THAT NOTHING A GOVERNMENT DOES IS INHERENTLY ABOVE THE LAW. ALL ACTIONS, INCLUDING THOSE OF OUR LEADERS, MUST BE SUBJECT TO THE CONSTRAINTS ESTABLISHED BY THE CONSTITUTION.

WAR IS A PERIOD OF EXTREME NATIONAL STRESS. AND IT IS DURING SUCH PERIODS OF STRESS THAT THE SURVIVAL OF LIBERTY IS AT ITS MOST FRAGILE POINT. WE MUST TRY TO TAILOR OUR SAFEGUARDS TO FIT THESE TREACHEROUS MOMENTS, FOR THE CONSTITUTIONAL PROTECTIONS OF A NATION CAN BEST BE MEASURED NOT BY HOW THEY OPERATE IN TIMES OF PEACE, BUT BY HOW THEY FARE IN TIMES OF NATIONAL TURMOIL.

OUR TASK NOW IS TO PROVIDE THE FINAL LEGAL REDRESS AND REINFORCE OUR SYSTEM OF JUSTICE AND EQUITY. WE MUST REMIND FUTURE GENERATIONS THAT SUCH A TRAGIC DENIAL OF RIGHTS MUST NOT AND WILL NOT BE TOLERATED.

Statement of William Ermeloff
President
Chaluka Corporation of Nikolski Village
Before the Subcommittee on Civil Service,
  Post Office and General Services
Committee on Governmental Affairs
U.S. Senate
Anchorage, Alaska
August 29, 1984

Statement in Support of Title III of S. 2116

Mr. Chairman, Members of the Subcommittee, my name is William Ermeloff. I am President of Chaluka Corporation, the village corporation of Nikolski, established under the authority of the Alaska Native Claims Settlement Act of 1971. I am very pleased to be here today with recollections from the World War II period.

Mr. Chairman, I was 28 years old when our village of Nikolski was evacuated on July 5, 1942. I was accompanied by my wife, who was then 22 years old, and our two young children, Sergie, aged 2 years, and Leonty, aged 4 years. We were first taken by army barge to Chernofski Harbor on Unalaska Island. Then we boarded the steamship COLUMBIA, which took us to Wrangell Institute.

There were 72 Aleuts from Nikolski on that voyage, along with 41 Aleuts from Akutan, 20 from Kashega, 18 from Biorka and 9 from Makushin. All of us arrived at Wrangell on July 13. We lived in tents on the Wrangell Institute's grounds until we were taken to Ward Lake, an abandoned CCC camp near Ketchikan, some weeks later. We were taken to Ward Lake on a barge we built at Wrangell, along with some materials to build cottages at the Ward Lake facility.

Although we arrived at Ward Lake in good health, the conditions there were very bad for our people. Within one year 20 people out of 160 had died at the CCC camp. According to the official records, a higher death rate existed at Ward Lake than at any other camp for the Aleuts.

The newspaper at the time, The Alaska Fishing News, in an editorial of May 24, 1943, speaking about the Aleuts at Ward Lake, concluded:

> It was their friendly spirit in greeting and welcoming all comers that betrayed them and turned their camp into mourning over the loss of loved ones.
>
> Too late it is now to begin passing the buck as to the responsibility of their condition. What is needed is immediate emergency care. Moving the camp will not provide the cure.

End of quote. Mr. Chairman, that emergency care did not come in time. There was simply a lot of neglect in the camps, and the people's health did not improved until they returned to Nikolski in 1945.

Mr. Chairman, my own family survived the camp, thank God. But the village has never recovered the losses. In 1942 Nikolski was a healthy village of more than 70 people. When we returned in 1945, we found that our village had been occupied by units of the Army's 42nd Engineers, the Army's 677th Aircraft Warning Company, civilian crews of the Army

Transportation Service, and personnel of an Air Force Weather Detachment. Also, Navy personnel were stationed at Nikolski.

According to the official Board of Inquiry report on conditions at Nikolski, dated April 26, 1944:

> (a) Certain property and equipment chargeable to Alaska Indian Service and individuals was appropriated by the Armed Forces for use, and that an incomplete accounting was made of property and equipment so used.
>
> (b) Extensive pilfering and looting of private property occurred in the homes of Nikolski Natives.
>
> (c) It had been impossible to fix responsibility for such pilfering and looting.
>
> (d) Certain efforts were made to prevent pilfering and looting, such as policing and boarding up homes to prevent breaking and entering, but these precautions were not established soon enough or were in general ineffective.

Mr. Chairman, these conditions were a shock to the Aleut people of Nikolski. Our homes had been used by the troops, but there was no respect for our property. And we had no opportunity to take anything with us to the Ward Lake Camp. It all had to be left behind.

Today, Nikolski is struggling to survive. We were 72 people in June 1942. We are only 40 people today. The recommendations of the Commission, if they are approved by Congress, will help us in saving Nikolski from the continuing effects of the destruction of our homes and property and from the continuing effects of the reduction in our numbers at the camps.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF JAMES T. FUJII

My Experience of the Evacuation and Internment in the Relocation Camp

I. Before the War

My name is James T. Fujii. I am a retired steelworker living now in Los Angeles. I was born in Gresham, Oregon, 72 years ago. I worked in Cleveland, Ohio.

Before the war, I lived in Shelton, Washington where I worked as an oyster man at the Olympia Oyster Co. I was married and had two boys. My wife was born in Olympia and also worked for the Olympia Oyster Co. sorting oysters.

We had worked there for about five years. I was very satisfied with my job and life in general. I had just purchased a second-hand 1939 Chevrolet and we had plans of owning a business of our own in the future.

II. The War and the Evacuation

December 7, 1941 came and changed our whole lives. The following days were very fearful days because there were whispers that the white people would come and lynch us. We didn't know what America would do to us. In fact, the FBI came one day and searched our house. All we wanted to do was to go up into the mountains and hide until the War was over.

Then one day in March, a friend of mine came over and told us that we had until twelve o'clock that night to be united with our relatives. That was all he could tell us. Right away, I wanted to be united with my father in Troutdale, Oregon.

We took what we could in our car and left everything else behind. We didn't have a chance to say good-bye to all our friends.

We stayed at my Dad's farm until we got a notice on a poster that all people of Japanese ancestry must report to the Assembly Center in Portland, Oregon. The Assembly Center was the Portland Stockyard. It was filthy, smelly and dirty. There were roughly two thousand people packed in one large building. No beds were provided, so they gave us gunny sacks to fill with straw - that was our bed.

My wife became very ill, high fever and chills, brought on by all the emotional trauma, tension, exhaustion and inadequate living conditions. She had to stay in the makeshift hospital provided in the stockyard.

Because of my wife's condition and caring for two little children, I decided that we had to get out of the Assembly Center. So I signed up to go to Tule Lake. We left my parents, brothers and sister and headed by train for Tule Lake.

III Tule Lake

Upon arrival at Tule Lake, my wife was admitted to the hospital where she stayed for two months. After that, she was in and out of the hospital for the next years~~[illegible]~~.

Life in the camp was miserable. There were strikes within the camp that caused shortages of food and coal. There was a lot of unrest in the camp which the Army tried to contain by bringing in tanks and shooting in the air to scare people.and the use of tear gas to disperse crowds of people.

The whole camp experience was a total waste of time. The three years and ten months were totally non-productive! It was time that cannot be recaptured.

IV. End of the War

The War finally came to a close and I was glad because it meant that we would be getting out of camp. However, I realized that my troubles had just begun. I had no money, no home, no job, and no place to go. We couldn't go back to Shelton, Washington because there were no jobs available. To make matters more complicated, my wife was seven months pregnant.

In conclusion, all the suffering my family and I had to go through, especially my wife, monetary compensation is the least the government could do for us. I wish it could have been sooner.

PREPARED STATEMENT OF TETSUYO KASHIMA

August 19, 1984

To: Pat Phillips, Chief Clerk
Subcommittee on Civil Service, Post Office and General Services
601 Hart Senate Office Building
Washington, D.C. 20510

From: Tetsuyo Kashima
11071 Ironwood Road
San Diego, California 92131
(619) 27107257

Testimony in Favor of Senate Bill S. 2116

Author

My name is Tetsuyo Kashima, age 50, and residing in San Diego, California. My personal experience during World War II was that I was a resident of Oakland, California just prior to December 7, 1941 until that time that Executive Order 9066 forced me with my family to relocate first to Tanforan Assembly Center and then to Topaz, Utah where I spent the duration of World War II.

Presently I am employed by the San Diego Unified School District as a science teacher. I am a member of the board of directors of the Buddhist Churches of America, the Buddhist Temple of San Diego and the San Diego Chapter of the Japanese American Citizens League.

My testimony will be in behalf of the Buddhist Churches of America, all its temples, ministers and members who suffered through those trying years following the aftermath of Executive Order 9066 and the full endorsement of Senate Bill S. 2116 now holding hearings.

Buddhist Churches of America

The Buddhist Churches of America (BCA) headquartered at 1710 Octavia Street San Francisco, California 94109 is presently made up of 100 churches, branches fellowships and a graduate school with a membership of over 35,000. This year marks the 85th year since its founding in 1899. It is the oldest organized Buddhist institution in the United States.

Prior to 1941

Prior to the outbreak of war with Japan in 1941, the Buddhist Churches of America and its churches was not only a religious organisation, but to a large extent, served the social needs of the Japanese American community. Unable to participate in activities offered by the majority community because of discrimination, a variety of programs for Japanese Americans of all ages were provided. Among them were the Young Buddhist Association, Sunday School, scouting, athletic events and cultural activities such as tea ceremony, flower arrangement, judo, kendo, music, theater and Japanese language schools. Misguided alarmists during those years viewed particularly the martial arts and the language schools as evidence that all Japanese Americans should not be trusted and added some of the fuel for proponents of Executive Order 9066. Let it be said again that without exception, all persons of Japanese ancestry were law abiding people who paid their share of taxes, attended church regularly and certainly were loyal to the United States.

December 7, 1941

The aftermath of Pearl Harbor was both shocking and longlasting. Buddhist ministers were special targets and many were arrested by the Federal Bureau of Investigation officers or local law enforcement officers, interrogated and some immediately shipped off to special security camps within the United States, often without regard to the welfare of their families. The Buddhist Churches of America Seventy Five Year History, Volume I states:

"The real reason for suspicion concerning the Buddhist ministers was not that they were ministers. The authorities through ignorance were unable to, or did not distinguish between Shintoism and Buddhism. Furthermore, anyone affiliated with any of the martial arts society, the language schools, or any organisation aiding the Japanese Naval training students who visited the United states were susceptible to being sent to the camps."

With many of the ministers and lay leaders removed, many of the churches faced massive chaos. The membership was apprehensive about approaching their church for fear of being apprehended.

Executive Order 9066

The difficulties and harships encountered by the Japanese American populace subsequent to December 7th and continuing after the signing of Executive Order 9066 has been well documented in the Report of the Commission on Wartime Relocation and Internment of Civilians. The preparation for evacuation resulted in many families being forced to sell homes, property, cars, household items and personal belongings at rediculously low prices. Many resorted to giving items away rather than being insulted by buyers knowing their predicament. Churches became the depository of whatever valuables the members had and in too many cases they found that upon their return from the concentration campse, their belongings were lost through vandalism or arson. Much of these stored personal items were legal documents, family history and pictures and things of sentimental value.

The following is a summary from the BCA 75th Year History, Volume I and shows how badly many of the temples fared during the absence of its members while in the concentration camps:

1. Six churches were vandalized with all or most of the personal belongings of its members lost or destroyed.
2. Three churches were objects of arsonists in which all or part of the church complex were destroyed.
3. Five churches were forced to sell their temples while its members were in the camps.
4. Four churches experienced financial hardships because their churches were constructed just prior to evacuation. Individual members had to bear the brunt of paying off mortgages or construction costs before entering the camps.
5. Five churches either discontinued operating or had a severe reduction in membership following the return from the camps.
6. Most all churches served as storage places for household and personal belongings of members and non-members.
7. Six churches had their facilities used by local, state or governmental agencies. Many were not paid rental and many experienced difficulty in getting them returned following the war.

8. Twenty four churches served as hostels to returning internees. Some for as long as three years and most did not accept any fees for lodging.

In the reparations portion of the Senate Bill S. 2116, I would like to have those temples who were affected by the Executive Order 9066 to receive funding not for religious purposes, but for the following reasons:

1. To give recognition to persons who acted as trustees and or maintained the churches in the absence of its members.
2. Payment of losses incurred due to arson, vandalism or other acts because of the absence of members. The funds can be used for construction of additional facilities or remodeling of existing structures.
3. Programs for Senior citizens such as lunches, meals to shut-ins and hospital and medical care.
4. Payment for forced sale of property by churches.
5. Pay to individuals who personally paid mortgages or construction costs due to the Executive Order 9066.
6. Payment to churches used by municipal or governmental agencies without equitable reimbursement.
7. Funding for churches to organize a history committee and in particular to assure that no citizen in the future will be similarly treated by our government.

Summary

The effects of Executive Order 9066 was catastrophic for all persons affected and the majority of those removed to the concentration camps were Buddhists as the following statistics show: (Excerpted from Kashima, Tetsuden, Buddhism in America: The Social Organization of an Ethnic Religious Insitution, Greenwood Press 1977, pp. 53)

Religion	Number	Per Cent
Buddhist	61,719	55.5
Protestant	32,131	28.9
Catholic	2,199	2.0
Tenri-kyo and similar sects (Popular Shinto)	422	0.4
Seicho Noiye	37	(less than 0.05)
Not given	14,642	13.2
Total	111,170	100.00

The social and psychological impact cannot be reversed nor proper compensation made. However, the Commission on Wartime Relocation Report provides sufficient evidence on the effect of the concentration camps for all Japanese Americans. The material losses by the churches, its ministers and its members were great and in many cases beyond estimation. The loss of church and family records, legal and historical documents and other memorabilia cannot be retrieved.

It is the American way to correct a wrong, particularly if that wrong was willfully and without any justification imposed on more than 110,000 of its citizens. The Commission on Wartime Relocation and Internment of Civilians have made its report and recommendations. I congratulate the Senate for sponsoring a bill which would carry out the recommendations and I wholeheartedly support and hope that this bill will provide the long overdue apology and reparations needed to make that apology meaningful.

August 03, 1984

Chief Clerk, Subcommittee on Civil Service
Post Office & General Services,
Committee on Governmental Affairs, US Senate
Washington, D.C. 20510

RE: Bill S 2116
August 16, 1984-Hearing
Re-Dress-World War II

Dear Sir:

Submitting a written testimony for inclusion in the hearing record for the above mentioned.

I'm a AMERICAN JAPANESE born April 10, 1938 in Marysville, California; I was in the Concentration Camp in Tule Lake.

My folks were property owners and lost their HOME & ACRES. When they were told to go into camp the crops were ready to harvest. They got compensated for 3,000.

They were told to leave within a few days-HERDED like animals to the train station with arm soldiers all around. They left all their belongings behind they got to take only what they could carry.

Tule Lake concentration camp was a guarded facility with arm soldiers with guns on watch towers all around. You could not leave.

My folks were given $60.00 dollars to relocate after the war-since the transportation system was in turmoil-They took a Taxi back to Gridley, California. The sixty dollars was gone for Taxi fare.

My folks started life all over. When they got to relocate after the War they had jobs as cook hands at a Farm Labor camp, it was proverty.

Hopefully you will consider the bill for my parents they deserve it all. I'm pretty dam proud of my folks they never formed any opinions or Prejudices to us children. They raised me and two other sisters as very proud American. You'll never see us on the Welfare Roll thats for Dam sure because We're proud and my folks did a pretty dam good job raising us.

Thanks for listening.

Sincerely,

Marian Yokotobi Keen

Mrs. Marian Yokotobi Keen
1947 Hwy 70
Oroville, CA 95965

TSUYAKO KITASHIMA
1911 BUSH STREET 1-G
SAN FRANCISCO, CALIF. 94115

August 14, 1984

TESTIMONY FOR THE HEARING RECORDS - S 2116

My name is Tsuyako Kitashima. I, as an American citizen was put in concentration camps in Tanforan Racetrack and Topaz, Utah for a period of 3 years and 4 months, while German and Italian aliens were free. I was deprived of basic human rights merely because of ethnic origin. War does not excuse the violation of constitutional rights.

My experience at the Tanforan Assembly Center was a grim period coupled with frustration and anger. After being searched like a criminal by the Military Police, I was served my first meal as a prisoner which consisted of two slices of discolored cold cuts, two slices of moldy bread and over-cooked swiss chard. The humiliation and degradation was too much, and I cried openly in disgust. I could not believe this was happening in America.

If that was not traumatic enough, my mother, three adult brothers and I were assigned one horse stall. There was manure on the floor and hair from the horse's tail stuck on the walls. For our mattress, we were given mattress ticks and told to fill them with hay. The hay soon flattened and we slept on mere mattress tick. We washed the floor of the stall but we soon found the stench of the manure under the floor unbearable. We spent our days outside and only went inside to sleep at night. There was absolutely no privacy since the stables consisted of twenty stalls. We could hear babies crying, family arguments and the sick coughing throughout the night. I had to wait until my brothers left the stall before I had any privacy to dress. There was hardly any room to move around in.

page two of three

It was some time before we had a toilet in our area, so we had to go approximately two blocks to a makeshift toilet, with a cloth hung for privacy. The cloth was an internees torn undergarment. As the days went on, this situation became frustrating, to say the least.

The camps were run administratively by Caucasian staff but had it not been for the internees, who served as doctors, dentists, nurses, cooks, dishwasher, maintenance crew and farmers, raising vegetables used in the camps, it would have been devastating financially and physically.

Meals in mess halls contributed to the breakdown of family ties, as children ate with their friends rather than with their families. This saddened the mothers.

My mother, who survived the San Francisco earthquake, went into farming after the quake and worked from early morning to late at night and helped make California a great agricultural state. Evacuation was strongly supported by rival west coast farmers interested in taking over truck farming. Our lives were shattered under Executive Order 9066. We could not harvest our crops - it was left there for the taking. Personal items were sold "dirt cheap" rather than leaving them to be stolen. People had us over a barrel.. We had to burn everything that resembled Japan and that included pictures of my mother's relatives. Pictures that never could be replaced.

The draft status of eligible Japanese Americans were manipulated soon after Pearl Harbor and only restored when war escalated and it was found that Japanese Americans were good fighters. Under these circumstances, young men volunteered to prove their loyalty. They paid a high price on the battlefields to prove their loyalty. while their families held memorial services behind barbed wire fences.

page three of three

Still today, we find the need for educating a vast number of people who do not know what happened to the Japanese Americans during World War II and who we are.

I strongly feel that the passage of S 2116 would help clarify our status - that we are loyal Americans, victimized by war hysteria, racial bias and lack of political leadership during World War II. As Elliott Roosevelt told a nationwide television audience on June 27th, his father, President Franklin D. Roosevelt "made the biggest mistake of his entire career as a president" in issuing Executive Order 9066.

I, also, feel that the passage of S 2116 would serve as a deterent to any future acts of deprivation of Civil Liberties not only for the Japanese Americans but for all the people.

I appeal to you to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians to relieve the government of this dark chapter of American history and restore honor to the Japanese Americans. For a few days in jail, Vietname War protestors were granted $10,000 each since they were denied their rights. I strongly feel that restitution be made including monetary compensation of at least $20,000 to each internee for losses, damages, false imprisonment, and emotional sufferings. I beg that you search your heart for an early settlement for the benefit of our seniors who have waited a long time.

August 20, 1984

Pat Phillips, Chief Clerk
Subcommittee on Civil Service,
Post Office and General Services
601 Hart Senate Office Building
Washington, D.C. 20510

REFERENCE: SENATE BILL NO. S2116

Dear Pat Phillips:

I feel very strongly about this bill, and definitely would like to see it implemented. DO YOU REALIZE THAT THERE WERE ALMOST 120,000 PEOPLE SENT TO THE CONCENTRATION CAMP in the 1940's, but, NOW THERE ARE ONLY ABOUT 50% OF THESE PEOPLE LEFT??? My mother, Mrs. Unoye Maesaki Fujisaki, and my father, Mr. Tomozo Fujisaki, and also my husband, Robert T. Kiyota, who were all in the camp, are now deceased. This is 3/4 of my family who are no longer around to see justice done. I AM ALONE IN THIS FIGHT FOR JUSTICE..... I think it is about time that my government do something about this, and I am surely going to fight this matter.

I HOPE TO LIVE TO SEE THAT DAY WHEN MY GOVERNMENT WILL FINALLY RECOGNIZE THE INJUSTICE PLACED UPON THE JAPANESE-AMERICANS who were born and raised in these
who
United States/were denied their constitutional rights. All the politicians, both democrats and republicans alike talk about civil rights, equal rights, etc., etc., but I don't really think they really know the real meaning of the WORD "People's RIGHTS".

SO MANY OF THE JAPANESE-AMERICANS WHO WERE INCARCERATED INTO CONCENTRATION CAMPS ARE NO LONGER AROUND TO SEE THAT THIS JUSTICE WILL BE ACKNOWLEDGED AND THAT THE WRONG WAS DONE TO US AND THAT WE WILL BE COMPENSATED FOR IN DOLLAR AMOUNTS!! I pray to GOD that my government will see the light and that we will definitely receive our compensation.......

Thank you for listening to me... I need all the help I can get........

Yours very truly,

Lillian Kiyota

Mrs. Lillian Kiyota
758 - 8th Avenue
San Francisco, Ca. 94118

Statement of W.G. Kubick, witness before Commission on Wartime Relocation and Internment of Civilians, Seattle, WA hearing (Aug. 1981)

SUBJECT: WORLD WAR II REPARATION HEARING (Senate Comm Govt. Affairs, Ted Stevens, Chair.)

Hearings as conducted by governmental bodies have come in for criticism of late. This sends us to our trusted Webster, for renewed guidance and assurance, of what the word *hearing* really means.

Here are my findings:

hearing -- a judicial investigation, or trial, as before a court
opportunity to be heard; as I could not obtain a *hearing*

Application of such a criteria would certainly under-cut the validity of the Commission on Wartime Relocation and Internment of Civilians, its tax-payer paid hearings, and its ridiculous pre-conceived conclusions. A judicial investigation, or trial, as before a court... whew, The Commission would have a lot of explaining to do to reconcile that condition. From the Chairwoman on down, this bogus commission was committed to reinforcing a pre-conceived conclusion... that 'redress' was in order. They were so dedicated to this premise that they didn't even attempt to maintain a decorum of decency about their deliberations. They called only Japanese favoring reparations to speak at their 'hearings'. Japanese with adverse views were turned away... or discouraged from speaking.

To compound evidence of their partiality, Commission members, including the Chairwoman, made public addresses outlining their pro-reparations views long before the hearings began. Mock hearings were even held, involving public-office holders, to better prepare evacuees to testify. Now that she has been confronted by accusations that the Commission overlooked opposition testimony, the Chairwoman claims 'there was not time, nor space, to include all testimony.' Is she naive enough to think we will be 'taken in' by such an explanation. After all, the Commission, and its official report "Personal Justice Denied' catalogues every peripheral utterance of the evacuees but, could find no room for the opposition.

The Commission yet seeks the approval of another Congressional body (Aug. 16, 1984) for the failing credibility of its findings. Where is there credence, we ask, or reasonable excuse, for this monumental waste of public funds. How can there be credibility when there was no objectivity? Let the Commission refute these claims... or show cause that they did seek the true reasons behind 'internment.'

When confronted by findings revealed by Magic Cables, the Commission stated that these revelations were interesting... but, that they did not measurably alter the Commission's conclusions. What would it take to alter the Commission's conclusions, I might inquire? Or, as I have claimed, were not their conclusions pre-conceived? A very informative report is being given here today, by a highly authorative source, in regard to dangers posed by both foreign and American-born Japanese in the early stages of WWII. The media has been reluctant to publicize such viewpoints to date. We wonder, now that evidence is mounting supporting the need for internment,that such news will be forthcoming.

At this very time a group of 1940-era Coast Guardsmen, in conjuction with our people, are compiling a map of the Washington-Oregon coastline... pin-pointing the location of Japanese ammo and fuel dumps. The problem faced in this regard is the advancing ages of the men in question. We are attempting to get depositions from these men before it is too late. If you were to sit in on a 'rap session' with them, I assure you, you'd get a viewpoint not elucidated by the 'Commission' or by any of the pro-reparations pressure-groups.

What bothers us about published 'internment' comments is that they invariably pre-suppose guilt on the part of President Roosevelt, military and civilian authorities. Only rarely does anyone attempt to appreciate their motives, or apprehensions, that triggered 'internment'. It seems more acceptable to 'write off' these people in charge as hysterical, racist, inept. In reality, they didn't exclusively fit any of those categories. They were Americans... of those times, and I was one of them. And, they didn't suffer from some philosophical or moral mutation that permitted them to frivolously intern some 100,000 members of an ethnic minority. They had just cause to make those frenetic decisions required at that moment in history. Neither the Commission on Wartime Relocation and Internment of Civilians, or Senate or House bodies holding hearings, can ever hope to reach common ground in this controversy until the question is relieved of its 'pre-conceived status' and... is opened up! Such an 'opening up' should include calling wtnesses still living who had a hand in such decisions... and people who witnessed the dangers this nation faced.

Too much has been propounded about 'internment' by people who weren't even alive at the time. Sworn statements and depositions should be obtained from those still living who were actually there when it all happened. The Commission was greviously amiss in not carrying out this obvious responsibility of their mission. In this, they failed miserably. Instead, it would seem, they were dedicated to a head-long rush for judgement... and satisfaction for the well-organized pressure groups that sought reparations.

Albert Einstein said, "The right to search for truth implies also a duty; one must not conceal any part of what one has recognized to be true." The Commissission on Wartime Relocation and Internment of Civilians callously violated this sacred investigative precept by only considering 'pro' testimony at hearings they held. This will forever deny acceptance for their findings.

As an American dedicated to historical truth and accuracy, I challenge the competence and validity of the Commission's findings.

PREPARED STATEMENT OF BETTY F. MATSUO

Thank you for this opportunity to submit my testimony. I testified in August 1981 in San Francisco at the Commission on Wartime Relocation and Internment of Civilians public hearings. I am submitting my testimony in writing because I feel that five minutes of presentation is certainly not time enough to condense 44 years of history.

I BEG THE SUBCOMMITTEE TO CONSIDER FAVORABLY PASSAGE OF S.2116 - THE BILL TO ACCEPT THE FINDINGS AND TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS (WHICH I WILL REFER IN MY TESTIMONY AS THE CWRIC).

MY TESTIMONY IS BASED UPON MY UNDERSTANDING OF THE LAW, THE U.S. CONSTITUTION WITH ITS BILL OF RIGHTS, AND SPECIFICALLY THE EFFECTS OF EXECUTIVE ORDER 9066 - THE LAW THAT PRESIDENT FRANKLIN D. ROOSEVELT, ON FEBRUARY 19, 1942, SIGNED TO AUTHORIZE IMMEDIATE EVACUATION AND INCARCERATION OF ALL PEOPLE OF JAPANESE DESCENT UPON ME AND ALL JAPANESE AMERICANS.

ROBERT N. BROWN IN THE RIGHTS OF OLDER PERSONS, STATED THE LAWS GOVERNING LEGAL JUSTIFICATION FOR GOVERNMENT INTERFERENCE WITH OUR LIVES:

"The country holds over two hundred million people - young and old, rich and poor, urban and rural, black and white, immigrant and native born. In this extraordinarily diverse society are people of every imaginable political philosophy and lifestyle. For the most part, we are free to think, speak, and do as we please without interference from our government.. Yet, there are LIMITS (emphasis added). Laws limit our freedom by prohibiting us from injuring others or from harming their property. The legal authority for such laws is the 'police power' of the State. This power authorizes the State to proscribe activities which are dangerous to others in order to protect society."

"A person convicted of violating such laws may, for the protection of society, be deprived of his freedom. The loss of liberty suffered by persons donfined involuntarily in state mental hospitals is justified in part by the police power, inasmuch as such persons are thought to be dangerous to others."

E.O. 9066, RUSTLED UP 120,000 PEOPLE OF JAPANESE DESCENT, AMERICAN CITIZENS AND RESIDENT ALIENS, AND HERDED THEM INTO CONCENTRATION CAMPS IN SOME OF THE MOST BARREN, GOD FORSAKEN PARTS OF CALIFORNIA (TULELAKE AND MANZANAR), IDAHO (MINIDOKA), UTAH (TOPAZ), ARIZONA (GILA AND POSTON), COLORADO (GRANADA), WYOMING (HEART MOUNTAIN), AND IN ARKANSAS (ROHWER AND JEROME). INITIALLY, FAIRGROUNDS, LIVESTOCK EXHIBITION HALLS AND RACE TRACKS OF CALIFORNIA, WASHINGTON, AND OREGON WERE CONVERTED INTO VIRTUAL CONCENTRATION CAMPS, SURROUNDED BY BARBED WIRED FENCES, PROTECTED BY RIFLE-WIELDING GUARDS IN WATCHTOWERS. MANY OF THE LIVING QUARTERS WERE HORSE STALLS, SOME COMPLETE WITH MANURE. WHILE MOST CAMPS HELD 5,000 DETAINEES, THE CONVERTED SANTA ANITA RACETRACK NEAR LOS ANGELES HELD OVER 18,000 JAPANESE PEOPLE. OUT OF THE 120,000 DETAINEES IN ALL CAMPS, ABOUT ONE HALF WERE UNDER THE AGE OF 21, APPROXIMATELY ONE QUARTER WERE YOUNG CHILDREN AND MANY WERE ELDERLY. NOT ONE ADULT OR CHILD WAS TRIED FOR ANY CRIME, BUT NEARLY ALL LOST THEIR CIVIL RIGHTS, HOMES, JOBS, BUSINESSES AND FARMS.

THE LOSSES AND INJURIES SUFFERED AS A RESULT OF THE EXPULSION AND INTERNMENT WERE ENORMOUS. THE EVACUATION CLAIMS ACT OF 1948 PAID FORMER INTERNEES A TOTAL OF $34.2 MILLION (AFTER LEGAL AND PROCESSING FEES) AS COMPENSATION FOR PROPERTY LOSSES -- WHICH WERE CONSERVATIVELY ESTIMATED BY THE FEDERAL RESERVE BANK AT $400 MILLION. THESE WERE PAID TO THOSE WHO FILED THE PROPER FORMS. THE PERCENTAGE WHO FILED WAS SMALL.. AFTER ALL, MY FAMILY OF FOUR SISTERS, MOTHER AND FATHER - NONE GOT A SINGLE DOLLAR FROM THE GOVERNMENT. IN OTHER WORDS, DID ONE OUT OF 100 FILE? ONLY THOSE WITH FARMS OR BUSINESSES FILED, BUT MAJORITY OF US DID NOT. IN 1946 - 1947, WE WERE DEFEATED, BROKEN, POOR, AND HOPELESS. WE, THE MAJORITY WHO ARE NOW IN OUR EARLY SIXTIES, NEARING RETIREMENT AGE, ETC. WERE FIGHTING FOR SURVIVAL. WE BARELY EXISTED.

OUR LOSSES INCLUDED: LOSS OF NORMAL WAGE AND SALARY INCOMES, AND THE LOSS OF BUSINESS INCOME FOR THOSE WHO OWNED BUSINESSES AND FARMS. THE TOTAL WAGES AND SALARIES LOST BY JAPANESE AMERICANS DURING THEIR IMPRISONMENT WERE MORE THAN $280 MILLION. NO AMOUNTS FOR THE VALUE OF LOST PENSION RIGHTS, JOB SENIORITY, LOST OPPORTUNITIES FOR PROMOTION, ETC. ARE INCLUDED IN THAT FIGURE. THE TOTAL LOSS OF NET INCOMES FOR BUSINESSES AND FARMS IS ESTIMATED AT $155 MILLION IN 1942 DOLLARS.

THE FOLLOWING INALIENABLE RIGHTS, AS EMBODIED IN THE U.S. CONSTITUTION, WERE DENIED OR ABRIDGED: FREEDOM OF RELIGION, FREEDOM OF SPEECH, FREEDOM OF THE PRESS, RIGHT TO ASSEMBLE, FREEDOM FROM UNREASONABLE SEARCH AND SEIZURE, RIGHT TO BE INFORMED OF CHARGES, RIGHT TO SPEEDY AND PUBLIC TRIAL BY JURY, RIGHT TO BE CONFRONTED BY ACCUSATORY WITNESSES, RIGHT TO CALL FAVORABLE WITNESSES, RIGHT TO LEGAL COUNSEL, RIGHT TO REASONABLE BAIL, RIGHT TO HABEAS CORPUS, RIGHT TO LIFE, LIBERTY, AND PROPERTY, RIGHT AGAINST INVOLUNTARY SERVITUDE, RIGHT TO VOTE, FREEDOM FROM CRUEL AND UNUSUAL PUNISHMENT, AND RIGHT TO EQUAL PROTECTION UNDER THE LAW.

IN ADDITION, MENTAL AND EMOTIONAL INJURIES: DEFAMATION OF CHARACTER, FALSE EVICTION, FALSE IMPRISONMENT, LOSS OF PROPERTY, LOSS OF INCOME, LOSS OF LIFE AND HEALTH DUE TO GOVERNMENT ACTIONS, EMOTIONAL AND PSYCHOLOGICAL DAMAGES, DAMAGE TO ETHNIC IDENTITY, DISRUPTION OF FAMILY LIFE.

THE SIGNING OF P.L. 96-317 SIGNED BY PRESIDENT CARTER ON JULY 31, 1980, PROVIDED FOR AN OBJECTIVE, UNBIASED STUDY OF THE 1942 EPISODE. THEREFORE, S.2116 IS A RESULT OF THE RECOMMENDATIONS BY THAT COMMISSION, THE CWRIC. FOR THE VICTIMS OF E.O. 9066, P.L.96-317 SEEMED AN EMPTY GESTURE, BUT THE FEW OF US WHO TESTIFIED LITERALLY GRITTED OUR TEETH AND BRAVELY PRESENTED OUR PIECE. THE CWRIC REPORT WHEN ACCEPTED BY BOTH HOUSE OF CoNGRESS WILL IN SMALL MEASURE RECOMPENSE THE VICTIMS. I WOULD LIKE TO SHARE MY RESEARCH AND MAJOR FINDINGS, EXCLUSIVE OF THE CWRIC.

THE JAPANESE EXPERIENCE IN THE UNITED STATES HAS BEEN SYSTEMATICALLY INFUSED WITH EXCLUSIONARY AND ISOLATION MECHANISMS: THE DENIAL OF CITIZENSHIP, OF THE RIGHT TO OWN PROPERTY, THE THREAT OF DEPORTATION AND INCARCERATION IN CAMPS.

UNTIL AS RECENTLY AS 1950, THERE WERE AS MANY AS 500 FEDERAL, STATE AND LOCAL LAWS AND ORDINANCES DIRECTED AGAINST THE JAPANESE. PUBLIC POLICY DISCRIMINATING AGAINST THE JAPANESE AND OTHER ASIAN GROUPS HAD BEEN BLATANTLY ESPOUSED SINCE THE MIGRATION OF SUCH GROUPS TO THE UNITED STATES.

WHEN ACCEPTING HIS REPUBLICAN NOMINATION FOR PRESIDENT IN 1924, CALVIN COLLIDGE STATED WITH RESPECT TO THE EXCLUSION OF JAPANESE: "...RESTRICTED IMMIGRATION IS NOT AN OFFENSIVE, BUT PURELY DEFENSIVE IN ACTION. IT IS NOT ADOPTED IN CRITICISM OF OTHERS IN THE SLIGHTEST DEGREE, BUT SOLELY FOR THE PURPOSE OF PROTECTING OURSELVES. WE CAST NO ASPERSIONS ON ANY RACE OR CREED, BUT WE MUST REMEMBER EVERY ASPECT OF OUR INSTITUTIONS OF SOCIETY AND GOVERNMENT WILL FAIL UNLESS AMERICA BE KEPT AMERICAN."

THUS, ALTHOUGH MANY OF THE JAPANESE ELDERLY HAD RESIDED IN THE UNITED STATES FOR MORE THAN FOUR DECADES, IT WAS NOT UNTIL 1952 THAT THEY WERE ALLOWED TO BECOME NATURALIZED CITIZENS. MY MOTHER AND FATHER DIED WITHOUT A COUNTRY. THEY NEVER PLANNED TO RETURN TO JAPAN, BUT THE UNITED STATES NEVER ALLOWED THEM CITIZENSHIP. FATHER DIED WITHIN A FEW YEARS AFTER THE CONCENTRATION CAMPS WERE CLOSED DOWN IN 1946. HE DIED IN 1954. HE NEVER RECEIVED A SINGLE DOLLAR IN SOCIAL SECURITY, UNEMPLOYMENT, OR SUPPLEMENTAL SECURITY BENEFITS. NOT A DOLLAR IN EVACUATION CLAIM DOLLARS.

THE RESULTS OF SUCH PUBLIC POLICIES AND RACIST BASED LEGISLATION HAVE BEEN TO HAMPER THE ECONOMIC, SOCIAL AND PSYCHOLOGICAL WELL BEING OF THE JAPANESE ELDERLY, ENGENDERING FEELINGS OF DISTRUST, HELPLESSNESS AND FEAR OF GOVERNMENT. THIS HAS GENERATED A RELUCTANCE OR REFUSAL ON THE PART OF MANY JAPANESE ELDERLY TO UTILIZE PUBLIC SOCIAL AND HEALTH SERVICES. THIS, COUPLED WITH THE SYSTEMATIC REFUSAL ON THE PART OF THE LARGER SOCIETY TO ACKNOWLEDGE THE JAPANESE ELDERLY AS A POPULATION IN NEED OF SERVICES HAS LED TO THE UNDER-UTILIZATION OF SERVICES.

AS OF THE 1970 CENSUS THERE WERE 588,324 JAPANESE AMERICANS; THOSE RANGING IN THE 65 YEARS AND OVER GROUP NUMBER 47,159. THE LARGER PERCENTAGE (57%) OF THE ELDERLY POPULATION WERE WOMEN AND 43 PERCENT WERE MEN. SIXTY-FIVE PERCENT OF THE TOTAL JAPANESE ELDERLY POPULATION WERE FOREIGN BORN, CALLED ISSEI.

OF ALL THE PACIFIC/ASIAN GROUPS, THE PROPORTION OF JAPANESE ELDERLY AT 8.0 PERCENT MORE CLOSELY APPROACHES THE NATIONAL AVERAGE. THERE IS ALSO A HIGH PERCENTAGE OF EXTREME AGES (74 YEARS AND OVER) WITH 41.2 PERCENT OF ALL JAPANESE ELDERLY IN THIS GROUP, INDICATING A MUCH LONGER LIFE SPAN THAN THE GENERAL POPULATION.

THE MAJORITY OF JAPANESE ELDERLY ARE FOREIGN BORN AND IMMIGRATED BEFORE 1925; THREE FOURTHS OF THE EXTREME AGED WERE FOREIGN BORN. HOWEVER, AMONG THE 60-64 AGE GROUP, THIS SITUATION IS REVERSED WHEREIN THREE OUT OF FOUR ARE NATIVE BORN. SUCCEEDING GENERATIONS OF ELDERLY MOST LIKELY WILL BE NATIVE BORN, INSOFAR AS IMMIGRATION BY ELDERLY JAPANESE IS NOT INCREASING. IN REGIONS OUTSIDE THE WEST, THE MAJORITY OF ELDERLY JAPANESE ARE NATIVE BORN. ELDERLY JAPANESE ACCOUNT FOR NEARLY ONE FOURTH OF THE FOREIGN BORN, WITH ELDERLY MEN COMPRISING ONE THIRD OF ALL FOREIGN BORN.

THE JAPANESE AMERICANS MOREOVER HAVE BEEN PROFFERED AS A "MOLEL MINORITY," ARE TOUTED AS HAVING "MADE IT." YET, CLEARLY, STATISTICS PROVE OTHERWISE. THE INTERNMENT IN 1942 CREATED THE ATMOSPHERE AND INSURED THE PROMULGATION OF SUCH A MYTH. THE JAPANESE COMMUNITY, AFTER WORLD WAR II HAD TO PROVE ITSELF. THEY HAD TO DEMONSTRATE THEY WERE "GOOD AMERICANS," SELF RELIANT, HARD WORKING AND STOIC. ONE OF THE CRITERIA BECAME THAT THE JAPANESE WOULD NOT ASK FOR HELP OF ANY KIND -- THAT THE JAPANESE WOULD MAINTAIN A DEMEANOR OF SELF SUFFICIENCY. INDIVIDUAL EXPERIENCES HIGHLIGHT THE EFFECTIVENESS OF THE PROCESS. OFTENTIMES, INDIVIDUALS IN NEED OF ASSISTANCE, WOULD APPLY FOR PUBLIC ASSISTANCE: THEY WERE OFTENTIMES GREETED WITH, "BUT YOUR FAMILY WOULD TAKE CARE OF YOU." SUCH DISCRIMINATORY BEHAVIOUR UNDOUBTEDLY DISCOURAGED UTILIZATION OF SUCH ENTITLEMENT PROGRAMS.

THE LARGEST PERCENTAGE OF THE JAPANESE ELDERLY DO NOT ENJOY ENGLISH FLUENCY: THE MEDIAN EDUCATIONAL LEVEL OF THIS GROUP IS 8.3 YEARS. SIGNIFICANTLY, THESE FACTORS ARE BARRIERS TO ACCESSING SERVICES. INFORMATION IS NOT PROVIDED THAT WOULD ENABLE THEM TO USE SUCH SERVICES, I.E., WHAT IS AVAILABLE, WHERE TO GO, HOW TO GET THERE, WHO TO SEE.

FOR A PERSON FAMILIAR WITH BUREAUCRACIES, THE PROCESS OF REGISTERING FOR ANY KIND OF HEALTH OR SOCIAL SERVICE IS INTIMIDATING. THE SYSTEM IS FRAGMENTED AND INCONSISTENT: THE INTAKE PROCEDURES ARDUOUS AND CUMBERSOME. BUT FOR A PERSON UNFAMILIAR WITH THE LANGUAGE AND THE SYSTEM, IT IS AWESOME: FOR THE OLDER JAPANESE PERSON IT IS ALSO EMBARRASSING AND REINFORCES HIS/HER FEELINGS OF INADEQUACY AND GUILT. THE PACIFIC ASIAN RESEARCH PROJECTS SUPPORT SUCH PREMISES.

TRANSPORTATION IS ANOTHER MAJOR OBSTACLE TO ACCESSING SERVICES. A HIGH PROPORTION OF JAPANESE ELDERLY DO NOT DRIVE: WHETHER IN URBAN OR RURAL SETTINGS, VIABLE MODES OF TRANSPORTATION ARE NOT AVAILABLE. MY TWO ELDERLY BROTHERS - IN-LAWS HAVE NEVER DRIVEN AN AUTO. THE WIVES AND CHILDREN DRIVE THE CARS.

STAFFING PATTERNS OF HUMAN SERVICES AGENCIES HAVE NOT TAKEN INTO CONSIDERATION THE LEVEL OF NEED FOR BILINGUAL/BICULTURAL PERSONNEL. NOR HAVE CULTURAL DIFFERENCES BEEN ACKNOWLEDGED OR STRESSED IN THE SERVICE MODELS. OUTREACH METHODS HAVE BEEN INADEQUATE IN COMMUNICATING WITH SPECIAL POPULATIONS SUCH AS THE JAPANESE ELDERLY. ABSENCE OF HARD DATA WHICH DESCRIBES AND DOCUMENTS NEEDS HAS FURTHER HAMPERED EFFORTS TO MAKE THE SERVICE DELIVERY SYSTEM

RESPONSIVE TO THE NEEDS OF THE JAPANESE ELDERLY. ONE NEED BUT REVIEW THE LITERATURE AND DATA AVAILABLE ON THE JAPANESE ELDERLY TO SEE THE APPARENTLY ABSENCE OF SUCH INFORMATION. WITHOUT THE ACCURATE KNOWLEDGE BASE, JUSTIFYING PROGRAMS BECOMES ALMOST IMPOSSIBLE.

AS SUMMARIZED BY KALISH AND YUEN, GERONTOLOGISTS, IN DISCUSSING THE AMERICANS OF EAST ASIAN ANCESTRY: "PROFESSIONALS AND PLANNERS WORKING WITH THE AGED ARE FACED WITH TWO VERY DISTINCT BUT EQUALLY SEVERE PROBLEMS: FIRST, MANY OF THE ELDERLY HAVE GENERAL NEEDS WHICH ARE OBVIOUS AND CRITICAL: THEY NEED THE MEANS TO PURCHASE GOODS AND SERVICES: THEY NEED THE OPPORTUNITY AND SETTING TO BE WITH OTHERS WITH WHOM THEY SHARE VALUES AND TRADITIONS: THEY NEED ACCESS TO SUPPORTIVE SERVICES PROVIDED BY KNOWLEDGEABLE PERSONS WHO SPEAK THEIR LANGUAGE LITERALLY AND FIGURATIVELY: THEY NEED THE SUPPORT OF PERSONS WHO UNDERSTAND THE MORES AND CUSTOMS OF THEIR REFERENCE GROUPS: AND THEY NEED WHATEVER LITTLE THEY RECEIVE FROM THEIR SOCIETY TO BE GIVEN A SENSE OF RESPECT AND THEIR DIGNITY. SECOND, THE URGENT TASKS OF COMPILING, SYSTEMATIZING THE VAST BODY OF DATA REQUIRED...MAXIMIZING THE EFFECTIVENESS OF EXISTING FUNDS AND PROGRAMS, POINTING THE WAY TO APPROPRIATE NEW KINDS OF SERVICES."

ANOTHER GERONTOLOGIST REPORTED IN HER STUDY THAT "...OF THE APPROXIMATELY 20 PERCENT BELOW POVERTY LEVEL, ONLY 9.5 PERCENT ARE RECEIVING SUPPLEMENTAL SECURITY INCOME OR ANY ENTITLEMENT BENEFITS THROUGH TITLE XX OF THE SOCIAL SECURITY ACT." SINCE THE POVERTY POPULATION HAS INCREASED FOR THE LARGER AGING POPULATION, THE ASSUMPTION CAN BE MADE THAT THE NUMBER WITHIN THE JAPANESE AGING POPULATION HAS, AS WELL, INCREASED. THE ECONOMIC INDICATORS IN DETERMINING POVERTY LEVELS ARE NET REAL INCOME, MEDICAL COVERAGE, ETC. WITH FEWER RESOURCES TO ATTAIN SUCH INCOME AND LOWERED PROPORTIONATE USE OF MEDICAL CARE COVERAGE, THE JAPANESE ELDERLY WOULD COMMENSURATELY HAVE GREATER NUMBERS FALLING BELOW THE POVERTY LEVELS, AS THE NUMBERS INCREASE FOR THE ALL AGED GROUP. INFORMATION ON MEDICAID/MEDICARE IS NOT AVAILABLE ON ANY NATIONAL BASIS: HOWEVER, GEOGRAPHIC DATA GATHERED FROM SMALLER SAMPLES ARE AVAILABLE.

THE COUNCIL OF ORIENTAL ORGANIZATIONS CONDUCTED A SURVEY OF 131 ISSEIS IN A STUDY WHICH GENERATED THIS FINDING: OF THE TOTAL, 78 PERCENT WERE ENROLLED IN THE MEDICARE PROGRAMS, WITH ONLY 30 PERCENT ACTUALLY USING SUCH BENEFITS.

ONLY .7 PERCENT OF THE FOREIGN BORN ELDERLY JAPANESE HAD ENGLISH AS A MOTHER TONGUE. EVEN FOR THE NATIVE BORN, THIS WAS LOW AT 6.1 PERCENT. OBVIOUSLY, THERE IS NEED FOR SERVICES TO TAKE INTO ACCOUNT ACUTE LANGUAGE DIFFICULTIES AMONG THE JAPANESE ELDERLY.

THE EDUCATIONAL ATTAINMENT OF THE ELDERLY JAPANESE WAS SIGNIFICANTLY LOWER THAN THE TOTAL JAPANESE POPULATION. ELDERLY MALES HAD ONLY 8.5 MEDIAN SCHOOL YEARS COMPLETED COMPARED TO 12.6 MEDIAN SCHOOLS AND OVER. THIS SITUATION WAS ALSO REPEATED FOR JAPANESE ELDERLY WOMEN.

AS EXPECTED THE JAPANESE ELDERLY WERE MUCH POORER THAN THE TOTAL JAPANESE POPULATION. FOR THE ELDERLY, 20.8 PERCENT WERE BELOW POVERTY WITH THE RURAL NONFARM AREAS INDICATING 28.9 PERCENT POOR.

UNRELATED INDIVIDUALS HAD AN EVEN GREATER PERCENTAGE BELOW POVERTY WITH 31.1 PERCENT, BUT PERSONS IN FAMILIES WITH FEMALE HEAD AND FEMALE UNRELATED INDIVIDUALS HAD THE GREATEST INCIDENCE OF POVERTY. ONE OUT OF FIVE JAPANESE ELDERLY HAD INCOMES LESS THAN POVERTY LEVEL, THE MAJORITY OF WHOM LIVED AS ONE PERSON HOUSEHOLDS AND WERE WIDOWED WOMEN.

A YOUNG JAPANESE AMERICAN OF THE THIRD GENERATION, THE DIRECTOR OF THE PACIFIC ASIAN RESOURCE CENTER ON AGING TESTIFIED AT THE CWRIC HEARING IN SEATTLE AND STATED SO WELL: "IN ESTABLISHING A SYSTEM OF HEALTH AND HUMAN SERVICES, THE UNDERLYING ASSUMPTION HAS BEEN THAT THERE IS EQUAL OPPORTUNITY FOR ACCESSING AND UTILIZING THOSE SAME SERVICES. THE MODUS OPERANDI HAS BEEN TO PLACE THE BURDEN OF RESPONSIBILITY FOR UTILIZATION ON THE INDIVIDUAL CONSUMER. WITH THE JAPANESE COMMUNITY, AND PARTICULARLY THE JAPANESE ELDERLY POPULATION, EXTERNAL FACTORS HAVE BEEN SIGNIFICANT IN MINIMIZING UTILIZATION OF SERVICES." AS HAS BEEN EVIDENT IN MY WORK AS EMPLOYEE OF THE SSA,OFFICE, THE JAPANESE PEOPLE WILL LEAVE THE OFFICE FEELING LET DOWN, NOT UNDERSTANDING THE RULES AND REGULATIONS THAT WERE EXPLAINED TO THEM IN ENGLISH, IN SSA LANGUAGE, RELUCTANT TO RETURN. I EMPATHIZE WITH THEM, TRY IN SMALL MEASURE TO HELP THEM, BUT I AM ONE.

AS WITH ALL ASIAN AMERICANS, THE JAPANESE ARE HANDICAPPED BY THE MYTH... A MYTH THAT PERVADES THE SOCIETY AT LARGE AND PERMEATES THE POLICY DECISIONS OF AGENCIES AND GOVERNMENTAL ENTITIES THAT ARE CHARGED WITH THE RESPONSIBILITY OF HELPING THE AGED IN THE UNITED STATES: ASIAN AMERICAN AGED DO NOT HAVE ANY PROBLEMS, THAT ASIAN AMERICANS ARE ABLE TO TAKE CARE OF THEIR OWN AND THAT ASIAN AMERICAN AGED DO NOT NEED NOR DESIRE AID IN ANY FORM." THIS IS NOT SO..

IN THE MEDICAID PROGRAM THE INCIDENCE OF USE WAS PROPORTIONATELY LOWER, ONLY 23 PERCENT OF THE 40 ELIGIBLE INFORMANTS USING THE PROGRAM. ANOTHER STUDY OBSERVED THAT ALTHOUGH THE INCIDENCE RATE OF T.B. AMONG JAPANESE IS LOW, THE DEATH RATE FROM T.B. FOR THIS GROUP IS THE HIGHEST FOR ANY GROUP STUDIED. FURTHER, THIS MAY INDICATE A VERY HIGH INCIDENCE RATE FOR THE DISEASE AMONG AGED ISSEI, WHO WOULD BE EXPECTED, BECAUSE OF THEIR AGE AND POVERTY, TO SHOW A HIGH DEATH RATE RELATIVE TO INCIDENCE. IN ANY CASE, HIGH T.B. INCIDENCE AND DEATH RATES CAN GENERALLY BE TAKEN AS A GOOD INDICATOR OF NUTRITIONAL AND SANITARY DEFICIENCIES, AS WELL AS OF OVERCROWDING AND GENERALLY INADEQUATE LEVELS OF HEALTH CARE.

AS FOR SOCIAL SECURITY BENEFITS, LESS THAN 15 PERCENT OF THE TOTAL JAPANESE ELDERLY POPULATION HAVE PARTICIPATED IN PRIVATE PENSION PLANS. SUCH PLANS ARE GENERALLY OFFERED IN WHITE COLLAR PROFESSIONS AND MOST JAPANESE ELDERLY HAVE PARTICIPATED IN THE LABOR FORCE AS BLUE COLLAR WORKERS OR WERE SELF EMPLOYED. SIXTY FOUR PERCENT OF THE TOTAL JAPANESE ELDERLY POPULATION RECEIVES SSA BENEFITS; HOWEVER, THEIR BENEFITS ARE THE LOWEST OF ANY GROUP IN THE UNITED STATES. THIS IS REFLECTIVE OF A NUMBER OF CRITICAL ISSUES; THE CURTAILMENT OF A NUMBER OF YEARS OF VESTING AS A RESULT OF THE INTERNMENT; THE DIFFICULTY IN LOCATING EMPLOYMENT AFTER THE WAR; THE NUMBER OF WIDOWED WOMEN INELIGIBLE FOR SURVIVOR BENEFITS; THE LOWER LEVEL OF INCOME.

DUE TO THE LACK OF HARD DATA ON MENTAL HEALTH SERVICES, IT IS DIFFICULT TO DETERMINE THE NEED FOR OUTPATIENT OR INPATIENT CARE, AND TO ADDRESS THE ACCESSIBILITY PROBLEMS. HOWEVER, THE STEREOTYPE BELIEF ARE THAT THE JAPANESE HAVE FEWER PROBLEMS AND THE FAMILY STRUCTURE AND CULTURAL TRADITIONS REDUCE THE INCIDENCE OF PSYCHO/SOCIO PROBLEMS, HOWEVER, DRAWING UPON EXPERIENTIAL AND ANECDOTAL MATERIAL, THE DEGREE OF NEED FOR MENTAL HEALTH SERVICES IS DETERMINED TO BE HIGH. IT IS GENERALLY ACKNOWLEDGED THAT "LACK OF EXPRESSED DESIRE FOR HELP CANNOT BE TAKEN AS A RELIABLE INDICATOR OF LACK OF NEED." ISOLATION AND ALIENATION OF MANY OF THE SINGLE OLDER JAPANESE WOULD, IN LARGE PART, CREATE EMOTIONAL STRESS AND DIFFICULTY.

LESS THAN ONE PERCENT OF THE JAPANESE EDLERLY POPULATION UTILIZE TITLE III OF THE OLDER AMERICANS ACT. LESS THAN .02 PERCENT PARTICIPATE IN THE TITLE V PROGRAMS. THE PLANNING AND PROVISION OF TITLE VII, THE NUTRITION AND SOCIAL SERVICES HAVE ONLY MINIMALLY ADDRESSED THE NEEDS OF THE JAPANESE ELDERLY.

CHILDREN OF THE ISSEI ARE CALLED NISEI. I AM ONE OF THESE. I AM A VICTIM OF E.O. 9066. I WAS RAISED IN STOCKTON, CALIFORNIA WHERE I WAS BORN BACK IN 1925. I GREW UP DAY DREAMING, HIGH HOPES OF BECOMING A TEACHER, AN AUTHOR, AN AFFLUENT TRAVELER. I DREAMT OF TRAVELING ALL OVER THE UNITED STATES, WHEN I BECAME AN ADULT. I WOULD TEACH DURING THE SCHOOL MONTHS, THEN I COULD VISIT ALL THE PLACES I WANTED TO SEE DURING THE SUMMER MONTHS. AS YOU WELL KNOW FROM THE CWRIC REPORT, MOST NISEI HAVE HAD LITTLE OR NO DIRECT EXPERIENCE WITH THE LAND OF THEIR ETHNIC HERITAGE. ALTHOUGH WE HAVE BEEN PREJUDCED TO BE ENEMY ALIENS BY VIRTUE OF OUR BIRTH AND PARENTS, THE NISEI HAVE A MIX OF JAPANESE AND AMERICAN BEHAVIORS AND ATTITUDES. THEIR HERITAGE WAS REFLECTED IN THEIR LEARNING OF TRADITIONAL VALUES SUCH AS RESPECT AND HONOR FOR LAW AND GOVERNMENT, TO OTHERS, TO FAMILY, ETC. MOST ALL NISEI CAN SPEAK THE LANGUAGE, BUT SOME REBEL NISEI SUCH AS MYSELF, REFUSED TO LEARN TO READ AND WRITE JAPANESE BECAUSE WE WERE INFUSED AND TOO BUSY BEING AMERICANS. MY GREED FOR LEARNING TO READ DEVELOPED BY READING MY OLDER SISTER'S TEXT BOOKS, ARITHMETIC BOOKS, HISTORY TEXTS, ETC. I COMPLETED EIGHT YEARS OF GRADE SCHOOL IN SIX. I RECEIVED MY HIGH SCHOOL DIPLOMA ON THE GRANDSTANDS OF STOCKTON ASSEMBLY CENTER (MY FIRST INTRODUCTION TO WORLD WAR II AND WHAT THE UNITED STATES GOVERNMENT IN REALITY). WE WERE WARTIME CRIMINALS AND SUSPECTED OF BEING A THREAT TO THE PEOPLE LIVING IN STOCKTON! SOME OF OUR CLASSMATES AND FRIENDS CAME TO MEET WITH US, AND FENCES KEPT US SEPARATED. WE LIVED IN THE SAN JOAQUIN COUNTY FAIRGROUNDS WHICH USED TO BE OCCUPIED BY THOROUGHBREDS AND ANIMALS DURING THE SEASONS. WE HUMANS WERE ALLOWED THERE FOR APPROXIMATELY SIX MONTHS. WE WERE CONSIDERED DISAGREEABLE REPTILES.

ROBERT BROWN'S THE RIGHTS OF OLDER PERSONS, states: "....IF YOU ENCOUNTER WHAT YOU CONSIDER TO BE A SPECIFIC ABUSE OF YOUR RIGHTS, YOU SHOULD SEEK LEGAL ASSISTANCE...IN GENERAL, THE RIGHTS THAT THE ACLU DEFENDS ARE FREEDOM OF INQUIRY AND EXPRESSION: DUE PROCESS OF LAW: EQUAL PROTECTION OF THE LAWS: AND PRIVACY..." "...IS TO INFORM INDIVIDUALS OF THEIR LEGAL RIGHTS."

INASMUCH AS THE NISEI WAS EDUCATED IN THE UNITED STATES, ENGAGED IN A WIDER RANGE OF ACTIVITIES, AND HAD MORE AFFILIATIONS OUTSIDE THE JAPANESE COMMUNITY THAN DID THE ISSEI, WHY DID THE NISEI NOT DO ANYTHING IN 1942? WE COULD HAVE BEEN ANNIHILATED AS THE JEWS WERE IN GERMANY. TO SOME OF US, THAT WAS THE EXPERIENCE. TO OTHERS, WHO WERE AND WILL NEVER SPEAK THEIR MINDS, TERRIFIED OF REPRISALS AND RETRIBUTION, CONTINUE TO PRAY THAT S.2116 AND H.R.4110 WILL PASS THE CONGRESS AND THAT THE PRESIDENT WILL SIGN IT. BUT THEN, THERE ARE THOSE FEW WHO [illegible] BRING TO NATIONAL AWARENESS-THE CASES OF KOREMATSU, YASUI, ETC.

IF CONGRESS CAN PASS LAWS TO PROTECT THE ENDANGERED SPECIES OF BIRDS, FISH, WILDLIFE, GAME, ENVIRONMENT, CLEAN AIR, WATER POLLUTION, ANIMALS, CATS/DOGS, ABORTION OF UNBORN HUMANS, ETC. WHY, OH WHY CAN'T THE GREAT UNITED STATES GOVERNMENT CONSIDER FAVORABLY THIS SPECIFIC BILL?

WOULD YOU BELIEVE THE FACTS THAT BECAUSE PRESIDENT ROOSEVELT WAS THE DEMOCRATIC PRESIDENT IN POWER AT THE TIME OF ALL THIS TRIBULATION, THERE REMAINS A LARGE SEGMENT OF NISEIS WHO VOTE THE REPUBLICAN PARTY? INVARIABLY, THE LARGER GROUP CHOOSE NOT TO VOTE OR PARTICIPATE IN ANY POLITICAL ISSUES. AND ONLY ONE IN A THOUSAND OR FIVE THOUSAND WOULD EVEN DARE TO PRESENT TESTIMONY.

RESPECTFULLY SUBMITTED

Betty F. Matsuo

BETTY F. MATSUO

JOHN J. McCLOY
ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

August 10, 1984

Dear Senator Stevens:

In reply to your telephone invitation of July 31 to testify at your hearings in Los Angeles on August 16 relative to the Japanese/American Relocation, I find it impracticable to appear at such hearings.

I enclose for your records a copy of a statement I gave before a Congressional Sub-committee of the Judiciary chaired by Congressman Sam Hall on June 21, 1984 held in Washington. Also enclosed is a copy of a letter from me to Congressman Barney Frank which I would also ask to have included as part of my statement for your hearings.

In addition to these comments, I believe it would be appropriate and highly desirable for the future security of the country and the protection of its taxpayers to give ample opportunity to Colonel Wiener, Rtd. to express his views at your hearings. He has given real thought to the matter and should be afforded the time to present his views.

Sincerely,

Enclosures

The Honorable Ted Stevens
Russell Senate Office Building
Washington, D.C. 20510

JAPANESE/AMERICAN RELOCATION COMMISSION HEARING

JUNE 21, 1984

SUMMARY OF POINTS

JOHN J. MCCLOY

1. IT IS LONG OVERDUE THAT THE GOVERNMENT SHOULD, ITSELF, DEFEND PRESIDENT FRANKLIN D. ROOSEVELT'S ORDER TO OFFSET THE CONSEQUENCES OF THE MASSIVE JAPANESE SURPRISE ATTACK ON DECEMBER 7, 1941 ON PEARL HARBOR.

2. IT IS ALSO TIME TO PUT AN END TO THE CHARGE THAT PRESIDENT ROOSEVELT'S ORDER WAS INSPIRED BY RACE PREJUDICE OR ANY ATTITUDE OR MOTIVE OTHER THAN THE OVERALL SECURITY OF THE COUNTRY AT A CRITICAL TIME IN ITS HISTORY.

3. THE ATTACK WAS THE DIRECT, PROXIMATE AND ONLY CAUSE OF THE PRESIDENT'S ORDER.

4. THE FACT THAT THE RELOCATION COMMISSION NEVER DISCLOSED THE EXISTENCE OF "MAGIC" IS THE CLEAR INDICATION OF THE UNRELIABILITY OF THE COMMISSION'S SO-CALLED "INVESTIGATION."

5. THE MANNER AND CONDUCT OF THE HEARINGS OF THE RELOCATION COMMISSION ARE BOTH ADDED PROOF OF THE UTTERLY BIASED CHARACTER OF THE INVESTIGATIONS. THEY WERE A DISGRACE TO THE GOOD TRADITIONS OF OUR LEGISLATIVE INVESTIGATIVE PROCEDURES.

6. IT IS NEVER POSSIBLE FULLY TO EQUATE THE SACRIFICES IMPOSED ON ALL RESIDENTS OF A COUNTRY AS A RESULT OF WAR. THE SACRIFICES OF THAT SEGMENT OF OUR JAPANESE/AMERICAN POPULATION WHICH WAS AFFECTED BY THE PRESIDENT'S ORDER ISSUED TO COUNTERACT THE CONSEQUENCES OF THE PEARL HARBOR ATTACK WERE NOT AS SEVERE AS THOSE SUFFERED BY MANY OTHERS INCLUDING CITIZENS OF THE U.S. DUE DIRECTLY TO THE ATTACK.

7. MANY AMERICAN CITIZENS WERE NEVER ADEQUATELY COMPENSATED FOR THE SACRIFICES THEY WERE COMPELLED TO MEET AS A DIRECT RESULT OF THE WAR CREATED BY THE SURPRISE ATTACK ON PEARL HARBOR.

8. WHAT IS NEEDED IS TO DETER FOREVER ALL THOUGHT OF SUCH FUTURE SURPRISE ATTACKS, MUCH LESS ENCOURAGE THEM BY APOLOGIZING TO ANYONE FOR PRESIDENT ROOSEVELT'S QUITE REASONABLE AND NATURAL REACTION TO THE POSSIBILITY OF FURTHER EFFORTS TO IMPAIR OUR NEXT LINE OF DEFENSE.

JAPANESE/AMERICAN RELOCATION COMMISSION HEARING

JUNE 21, 1984

REMARKS BY JOHN J. MCCLOY

THE TIME IS NOW LONG OVERDUE WHEN THE COUNTRY SHOULD BE AFFORDED WHAT IT HAS NOT HAD UP-TO-DATE, NAMELY AN HONEST, FAIR AND OBJECTIVE ACCOUNT OF THE CIRCUMSTANCES UNDER WHICH PRESIDENT FRANKLIN ROOSEVELT ORDERED THE STEPS TAKEN BY HIM TO HELP SECURE THE SAFETY AND DEFENSE OF THE COUNTRY FOLLOWING THE MASSIVE AND DISASTROUS SURPRISE ATTACK ON PEARL HARBOR BY THE ARMED FORCES OF JAPAN ON DECEMBER 7, 1941.

WE HAVE NOW HEARD FROM THE "REVISIONISTS" AND THOSE WHO WOULD HAVE US BELIEVE THAT IT WAS RACIAL PREJUDICE WHICH INDUCED THE PRESIDENT'S ACTION TO INSTITUTE THE RELOCATION PROCESS IN REGARD TO CERTAIN SEGMENTS OF OUR JAPANESE DESCENDED RESIDENTS IN THE MILITARILY SENSITIVE AREAS ALONG OUR WEST COAST AND THUS TO COUNTER THE DEEP CONSEQUENCES OF THE PEARL HARBOR DISASTER TO OUR OVERALL DEFENSE SYSTEM.

IT IS IMPORTANT THAT OUR GOVERNMENT SHOULD DEFEND ITSELF AGAINST THIS GROTESQUE CHARGE THAT IT WAS RACE PREJUDICE AND NOT REALISTIC SECURITY PRECAUTIONS WHICH INDUCED PRESIDENT ROOSEVELT'S ORDER. THE PRESIDENT WAS THE MAN WHO MADE THE DECISION AND HE WAS, I BELIEVE, THE ONLY MAN IN THE UNITED STATES WHO COULD MAKE IT. MR. ROOSEVELT WAS NOT ONLY THE PRESIDENT BUT THE COMMANDER-IN-CHIEF OF OUR ARMED FORCES, SO

SPECIFIED BY THE CONSTITUTION. HE WAS IMPELLED BY NO CONSIDERATIONS OTHER THAN THE SAFETY AND SECURITY OF THE COUNTRY. IT IS ALSO INDISPUTABLE THAT THE DIRECT AND PROXIMATE CAUSE OF THE PRESIDENT'S DECISION WAS THE ATTACK ITSELF AND NOTHING ELSE. HIS DECISION WAS SUPPORTED AND ENDORSED, TO BE SURE, BY HIS SECURITY ADVISORS, SUCH AS SECRETARY OF WAR COLONEL HENRY L. STIMSON; SECRETARY OF NAVY COLONEL FRANK KNOX; CHIEF OF STAFF OF THE ARMY GENERAL GEORGE C. MARSHALL; UNDERSECRETARY OF WAR AND FORMER CIRCUIT COURT OF APPEALS JUDGE ROBERT PATTERSON (WHO WAS DESIGNATED BY LAW TO BE IN CHARGE OF OUR MUNITIONS AND WAR MATERIAL PRODUCTION PROGRAMS). THERE WERE MANY OTHERS WHO MIGHT BE MENTIONED WHO HAD RESPONSIBILITY FOR THE SECURITY OF THE COUNTRY AND WHO FELT THE ACTION WAS NECESSARY. IT WAS MEN AND STATESMEN SUCH AS THESE WHO WOULD HAVE TO BE CHARGED, IN THE LAST ANALYSIS, WITH RACE PREJUDICE RATHER THAN A CONCERN FOR THE SECURITY OF THE COUNTRY. IT IS UTTERLY INCONGRUOUS TO SUGGEST THAT THEY WERE.

IT WAS A FACT THAT THE ATTACK WAS SUPPLEMENTED (UNKNOWN TO BUT A FEW AT THAT TIME) BY INFORMATION GIVING THE FOREGOING OFFICIALS (AS WELL AS A FEW OTHERS) CLEAR KNOWLEDGE OF THE EXISTENCE OF SUBVERSIVE JAPANESE AGENCIES DESIGNED TO OPERATE IN THIS COUNTRY TO MEET FURTHER ATTACKS OR SUBVERSIONS SHOULD ANY SIMILAR ATTACK OCCUR. THE EXISTENCE OF SUCH AGENCIES WAS NOT ONLY ADMITTED BY THE JAPANESE GOVERNMENT BUT THE JAPANESE GOVERNMENT ACTUALLY BOASTED OF IT IN THEIR COMMUNICATIONS SENT FROM TOKYO TO SOME OF THEIR MOST IMPORTANT OVERSEAS EMBASSIES, AGENCIES AND COMMANDS. THE INFORMATION, OBVIOUSLY THEN A CLOSELY GUARDED SECRET, WAS AVAILABLE THROUGH "MAGIC", A SYSTEM BY WHICH WE WERE ABLE TO READ INTERCEPTED JAPANESE CODED MESSAGES BEFORE AND DURING A LARGE PART OF THE WAR. THE FAR REACHING CONSEQUENCES OF THE JAPANESE ATTACK, TOGETHER WITH THE KNOWLEDGE OBTAINED BY "MAGIC", MORE THAN SUPPLIED ALL THE INFORMATION NEEDED TO JUSTIFY FULLY PRESIDENT ROOSEVELT'S ACTION. THE PRESIDENT AND THOSE ADVISORS OF HIS WHO WERE NAMED ABOVE WERE ALL MEN OF EXTENDED EXPERIENCE IN THE MILITARY AND DEFENSE PROBLEMS OF THE COUNTRY AND THEY WERE QUITE ABLE TO RECOGNIZE AND COMPREHEND THE FULL CONSEQUENCES OF THE DISASTROUS PEARL HARBOR ATTACK.

PROOF THAT THE COMMISSION DID NOT CONDUCT AN INVESTIGATION WORTHY OF THE NAME IS DEMONSTRATED BY THE FACT THAT IT NEVER IDENTIFIED THE EXISTENCE OF "MAGIC" AS EVIDENCE OF JAPANESE INTENT TO SUBVERT THE SECURITY OF THE COUNTRY THROUGH DISLOYAL RESIDENTS HERE IN THE EVENT OF AN ATTACK BY JAPAN. THIS, OF COURSE, SHOULD HAVE BEEN PRESENTED AT THE OUTSET OF ANY OBJECTIVE INVESTIGATION AND THOUGH THE EXISTENCE OF "MAGIC" WAS A CLOSELY GUARDED SECRET AT THE TIME OF THE ATTACK, BY THE TIME THE COMMISSION'S INVESTIGATION THE EXISTENCE OF "MAGIC" WAS ALMOST NOTORIOUSLY KNOWN BY ALL KNOWLEDGEABLE MILITARY AND INTELLIGENCE SOURCES IN THIS COUNTRY AND IN JAPAN, AS WELL.

ONE MUST HAVE EXPERIENCED THE MANNER IN WHICH THE INVESTIGATION OF THE COMMISSION WAS PLANNED AND CONDUCTED TO GAIN ANY SENSE OF THE BASIC UNRELIABILITY OF ITS PROCEDURE. ANY ATTEMPT TO JUSTIFY THE PRESIDENT'S ACTION

WAS GREETED WITH BOOS AND HISSES IN A MANNER DISGRACEFUL TO ANY FAIR INVESTIGATION OR TO OUR OWN LEGISLATIVE HEARING TRADITIONS. MOREOVER, THE SEQUENCE IN WHICH THE TESTIMONY WAS TAKEN IS A CLEAR INDICATION OF ITS UNFAIRNESS, AS THERE WAS NO TESTIMONY FAVORABLE TO THE UNITED STATES GOVERNMENT TAKEN UNTIL JUST BEFORE THE HEARINGS WERE TO BE CLOSED. THERE WAS, OF COURSE, NO LACK OF RIGHTEOUS INDIGNATION ON THE PART OF THE PRESIDENT, SECRETARY HULL AND THOSE WHO WERE IN SUPPORT OF THE PRESIDENT'S ACTION TAKEN AFTER THE ATTACK. BUT, SUCH INDIGNATION WAS BASED WHOLLY UPON THE ATTACK ITSELF. THERE ARE MANY OTHER FLAWS THAT CAN BE BROUGHT AGAINST THE TESTIMONY WHICH WAS PLANNED AND PRESENTED BY THE COMMISSION.

IT IS, OF COURSE, TRUE THAT MANY OF OUR JAPANESE DESCENDED POPULATION WERE LOYAL. BUT, IT IS ALSO TRUE THAT THERE WERE A GOOD MANY OTHERS OF OUR JAPANESE DESCENDED POPULATION WHOSE LOYALTY WAS UNCERTAIN SHOULD A FURTHER ATTACK OCCUR. IT WAS ONE OF MY OBJECTIVES WHILE I WAS IN THE WAR DEPT. DURING THE JAPANESE WAR TO USE SUCH INFLUENCE AS I HAD TO INDUCE THOSE IN AUTHORITY IN THE ARMY TO PERMIT OUR JAPANESE DESCENDED RESIDENTS TO DISPLAY THEIR LOYALTY TO THE COUNTRY IN THE WAR INTO WHICH WE HAD BEEN SO SUDDENLY PLUNGED BY THE ATTACK. AFTER SOME EFFORT, I WAS SUCCESSFUL IN PERSUADING OUR MILITARY PEOPLE TO ACCEPT THE SERVICES OF JAPANESE DESCENDED MEMBERS OF OUR POPULATION WHO SOUGHT TO GIVE EVIDENCE OF THEIR LOYALTY TO THE COUNTRY BY FIGHTING IN THE UNITED STATES ARMY. THIS WAS MADE POSSIBLE IN THE EUROPEAN SECTOR OF

THE WAR INTO WHICH WE HAD BECOME ENGAGED AS A RESULT OF THE ATTACK. ACCORDINGLY, THE 442ND COMBAT TEAM WAS FORMED AND SO USED. IT SUFFERED BITTER CASUALTIES AT THE SAME TIME THAT IT BECAME ONE OF THE MOST HEAVILY DECORATED UNITS OF ITS SIZE IN THE ENTIRE ARMY.

I WOULD BE HAPPY TO SEE A MONUMENT ERECTED TO THE MEMORY OF THOSE WHO SERVED IN THAT UNIT AND SO PATRIOTICALLY GAVE EVIDENCE OF THEIR LOYALTY TO THE COUNTRY. AND, I WOULD HAVE THE MONUMENT NOT ONLY HONOR THE MEMORY OF THE 442ND COMBAT TEAM BUT THAT OF ALL THOSE JAPANESE/AMERICANS WHOSE LOYALTY REMAINED WITH THE UNITED STATES DURING THE TRYING PERIOD WHEN WE WERE AT WAR WITH JAPAN.

OUR RELATIONS WITH THE JAPANESE GOVERNMENT HAVE PROBABLY NEVER BEEN BETTER THAN THEY ARE TODAY. IT IS ONE OF THE MAJOR ACHIEVEMENTS OF BOTH COUNTRIES THAT THEY HAVE BEEN ABLE TO CREATE SUCH GOOD RELATIONS IN SPITE OF THE ILL-ADVISED SNEAK ATTACK. WE HAVE BEEN ABLE TO ENTER INTO A PARTNERSHIP WITH JAPAN TO MAINTAIN THE PEACE AND ADVANCE OUR GOOD RELATIONS. OUR COMBINED EFFORTS SHOULD NOW CENTER ON STEPS TO DETER ANY THOUGHT OF FUTURE SURPRISE ATTACKS OR HAVING EVER TO THINK IN TERMS OF RELOCATION PROGRAMS. IT WOULD CONSTITUTE A HEAVY SET BACK TO OUR GOOD RELATIONS AND INTENTIONS IF IT WERE TO BE DECLARED THAT OUR GOVERNMENT OR THE HIGH CLASS STATESMEN WHO THEN DIRECTED OUR DEFENSE PROGRAMS HAD BEEN MOTIVATED BY RACE PREJUDICE RATHER THAN BY CONSIDERATION FOR OUR NATION'S SAFETY.

THESE WERE STATESMEN OF GREAT STATURE, SOME OF THE FINEST MEN WHO HAVE EVER SERVED THE COUNTRY. THEY

KNEW AND COULD JUDGE THE CONSEQUENCES OF THE LOSS OF OUR PACIFIC FLEET, THE PREPONDERANT POSITION OF THE JAPANESE SURFACE NAVY AND THE VITAL NECESSITY OF MAINTAINING THE CONTINUOUS SUPPLY OF OUR ARMED FORCES.

IT IS A FACT, I BELIEVE, THAT THE RECORDS SHOW I WAS IN FAVOR OF STOPPING THE RELOCATION PROGRAM AFTER THE MIRACLE VICTORY OF MIDWAY OCCURRED. NEITHER THE PRESIDENT NOR ANY OTHER MILITARY ADVISOR HAD THE BENEFIT OF HINDSIGHT IN RELATION TO THIS VICTORY OF MIDWAY WHEN THE ORIGINAL ORDER WAS ISSUED. IT WAS REALLY A VERY NARROW SQUEAK. I CAME TO THE CONCLUSION THAT IF WE COULD DEFEAT THE JAPANESE AT MIDWAY AFTER FACING AN ADVERSE 5-TO-1 RATIO IN OUR SURFACE FLEET THAT THERE WAS LITTLE NEED TO WORRY ABOUT THE ULTIMATE OUTCOME OF THE WAR. IN THE MEANTIME, WE HAD GAINED NEARLY A YEAR'S UNIMPAIRED PRODUCTION.

I HAD NOT, HOWEVER, INITIATED THE PROGRAM ANY MORE THAN I COULD CANCEL IT. OTHERS, HOWEVER, IN THE CHAIN OF COMMAND, FELT EVEN AFTER MIDWAY THAT OUR ULTIMATE SUCCESS WAS NOT ASSURED AND TO ABANDON THE PROGRAM WOULD BE PREMATURE. THIS ATTITUDE ALSO HAD NOTHING WHATEVER TO DO WITH RACE PREJUDICE. WHATEVER ATTITUDE I MAY HAVE TAKEN AND WHATEVER OPINION I MAY HAVE HELD AFTER OUR MIDWAY VICTORY, IT IS INCONGRUOUS TO SUGGEST THAT MY SENIORS, IN RESPECT OF RESPONSIBILITY FOR THE SECURITY OF THE COUNTRY, WERE MOTIVATED BY RACE PREJUDICE OR THAT THE COUNTRY HAS ANYTHING WHATEVER TO APOLOGIZE FOR IN THE ACTION WHICH WAS TAKEN BY PRESIDENT ROOSEVELT AFTER THE JAPANESE DESTRUCTION OF OUR PACIFIC FLEET BY THE SURPRISE ATTACK ON PEARL HARBOR.

THERE IS ANOTHER MAJOR CONSIDERATION WHICH HAS TO BE KEPT IN MIND. IT IS NEVER POSSIBLE ADEQUATELY TO EQUATE THE SACRIFICES OR, INDEED, THE SUFFERINGS WHICH WAR COMPELS. THIS IS TRUE IN MANY CASES OF EVERY WAR. BUT IT IS, OF COURSE, MORE STRIKINGLY SO 40 YRS. AFTER THE WAR TOOK PLACE.

I DO NOT SUGGEST THAT OUR JAPANESE DESCENDED POPULATION WAS NOT SERIOUSLY INCONVENIENCED BY THE PROGRAM OR, INDEED, THAT ITS WELFARE WAS NOT AFFECTED. BUT, THERE WERE MANY AMERICAN CITIZENS WHO WERE NEVER ADEQUATELY COMPENSATED FOR THE SUFFERINGS OR TRAGEDIES THEY WERE COMPELLED TO FACE DUE TO THE WAR.

GENERALLY SPEAKING, THOSE WHOM THE GOVERNMENT SOUGHT TO RELOCATE FOR MILITARY REASONS WERE IN SOME RESPECTS ADVANTAGED BY THE MOVE, WHILE OTHER ELEMENTS OF THE POPULATION, ONLY RELATIVELY FEW, WERE EVER CALLED ON FOR MILITARY SERVICE. PROVISIONS FOR DAMAGE CLAIMS WERE MADE WHEN WITNESSES AND RECORDS WERE FRESH AND AVAILABLE. GOVERNMENT OFFICIALS FROM THE FEDERAL RESERVE WERE DESIGNATED TO HELP PROTECT THEIR FINANCIAL INTERESTS. MAINTENANCE WAS TAKEN CARE OF BY THE GOVERNMENT, THEIR HEALTH WAS GUARDED AND PROVISION WAS MADE FOR THE EDUCATION OF THEIR CHILDREN.

FROM THE OUTSET, I SOUGHT TO RELIEVE THE ARMY OF THE DUTY OF PARTICIPATING IN THE RELOCATION PROGRAM. THE ARMY HAD MANY RESPONSIBILITIES ON ITS HANDS DUE TO THE TWO-FRONT WAR IT CONFRONTED AS A RESULT OF THE JAPANESE ATTACK. BUT, THE DECISION WAS MADE BECAUSE THE PRESIDENT, WHO MADE IT, BELIEVED THAT THE ARMY WAS THE BEST AGENCY TO CONDUCT THE INITIAL PROGRAM PARTICULARLY CONSIDERING THE TIME ELEMENT WHICH THE ATTACK HAD INTRODUCED.

JOHN J. McCLOY
ONE CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005

August 2, 1984

Dear Mr. Frank:

In correcting my testimony which I gave before your Sub-committee recently, I read over my interchanges with you as they were recorded.

In doing so, I felt I may not have adequately met the point that you were making. As I gather now, you stated that one might well agree that those who made or endorsed the decisions which were taken within the United States to meet the consequences of the Pearl Harbor attack were not motivated by any race prejudice, war hysteria or other base motives. They might, however, be charged now with having made a "mistake" when the President's order for relocation was issued, as it was an injustice to some of our loyal Japanese descended resident population.

I would not wish to let it appear that I evaded your point for I feel strongly that no "mistake" was made when the President did issue his order to meet the consequences of the attack. In view of the rather close contacts I had with the White House at the time, I believe I gained a clear idea of what, from a security point of view, the President had in mind as necessary or advisable for the U.S. to do in order to overcome the disastrous consequences of the attack.

In the first place:

1. The size and enormity of the attack itself pointed to the wisdom of the President's order. The attack had

been no hastily conceived "in and out" raid. It was a massive naval and air offensive, planned long in advance by Japan to start and win a war against the United States. It was designed to accomplish the destruction of our first line of defense in the Pacific. It was, at the same time, mounted to achieve an insuperable initial advantage in the war while the casualties and discouragements of a prolonged and far removed war would convince the U.S. that further pursuit of victory against Japan was futile.

2. The attack had impaired, if not seriously incapacitated, our first line of defense and it posed a threat to our second line which consisted, for example, of the large airplane and shipping plants in our West Coast areas where our main Japanese descended population was also congested. One may assume that the attack may not have been generated or assisted in any way by Japanese/American residents of the U.S., but it required bold, drastic and effective steps in the United States to avoid the possible loss of the war due to a lack of will to see it through. This required action affecting both American citizens and the residents of Japanese descent, of whose loyalty we could not be assured in view of their natural attachment to their mother country.

3. With the revelations of "MAGIC", to say nothing of the violence displayed later at Tule Lake, the renunciations of allegiance to the U.S. (up until Midway), it was made clear we could not have been sure of the loyalty of a number of our Japanese descended population. We were also warned that Japan was organizing subversive agencies in this country to frustrate attempts to defend against further attacks. This was not a matter of conjecture but a fact communicated by the government in Tokyo to its important embassies and commands abroad, i.e. a fact which the President, in time of war, had to keep in mind in his responsibility for the security of the country. Word has gone out now from the lobbyists to "laugh off" the revelations of "MAGIC, but President Roosevelt could not laugh them off in time of war (and after Pearl Harbor), nor could he forsee the Miracle at Midway.

> The best designed means of dealing with this warning of subversion in the U.S. was to dislocate the communications of the potentially disloyal by removing them from any vulnerable areas. The fact that there was, for example, apparently no major attempt at sabotage of our bomber and shipping plants along the West Coast was scarcely proof that there were no disloyal elements among our Japanese descended population situtated there. The President's order may well have left little or no opportunity for sabotage.
>
> 4. The United States, itself, imposed on its own citizens and residents a draft for military service and it had strongly urged them into voluntary military service. These steps subjected all eligibles to the risks and casualties of war whereas the dislocated segment of the Japanese descended population who were relocated were never subjected to anything like the war risks of combat to which many American citizens were exposed and from which many heavily suffered.

I learn that I was on record as having been willing to have the whole wartime relocation program abandoned after the miracle victory at Midway. But, I had not originated the program and I had no authority to cancel it. Those who felt it was premature to cancel it even after Midway must have had in mind the fact that more than five million Japanese soldiers, at least, were still under arms, capable of putting up heavy last ditch fighting over the very difficult terrain the home islands presented.

While I realize that many express their disapproval of the nature of the Japanese surprise attack and give lip service to this sentiment, one can hardly suggest that we are creating a serious deterrent to the repetition of it if we give out a broad apology for taking the natural and reasonable response that President Roosevelt made to it, and, if at the same time, we pay the relocatees and/or their descendents great unproven, untaxed sums in addition to the very substantial amounts, judged by today's value, those relocated heretofore received when evidence and witnesses were readily available.

I firmly believe, as I understand Senator Hayakawa himself does, that the interests of both the U.S. and Japan would not be well served by either an apology or the judgment of a large lump sum for additional so-called "redress" damages.

I also believe there is an excellent opportunity for a much more statesmanlike and constructive solution to the problem. A monument or some appropriate fund could be erected or created to the memory of those who did display their loyalty to this country during the very trying period of the Japanese war. If it were a fund, its proceeds could be devoted to a suitable exchange or cultural program. The Congress might also expressly deplore the fact that it ever became necessary or advisable to institute a relocation program in the U.S. as a defense measure to counteract the consequences of the December 7, 1941 attack.

As an American citizen, I would be glad to contribute to such a monument or fund. It could be sited appropriately either at Pearl Harbor, the nation's capital or possibly at some site in Europe where the 442nd Combat Team actually fought and suffered losses.

I believe that with my testimony and this letter I have done as much as is within my power to set the record straight on this important and apparently misunderstood episode in our nation's history. To that end, I would be grateful if you would include and publish this letter as part of the proceedings of your Sub-committee, and I request that you do so.

Sincerely,

/tr

The Honorable Barney Frank
1317 Longworth House Building
Washington, D.C. 20515

PREPARED STATEMENT OF ALFRED K. NABETA

On the Subject of the S2116: "Enforced Evacuation-Relocation"---Testify-Hearing before the Senate Governmental Affairs Subcommittee on Civil Service, August 16, 1984. Mr. Chairman and members of the Senate.

My name is Alfred Kunio Nabeta and I reside in Huntington Beach, California. Pre-evacuation time was not an equal opportunity for us loyal Japanese-Americans with no government protection from the threats on our lives. We were ordered out.

Relocation of Executive Order 9066, for the early evacuees the camps were not yet ready, was the expulsion of my family from Los Angeles, California, to a basement room, next to a coal bin in Salt Lake City, Utah. Without employment, and the loss of our rights, possessions and properties, we suffered economic hardships and were hungry most of the time.

My father was cleared by the F.B.I. in Los Angeles and was again interrogated in Utah. He died of malnutrition, T.B. and a broken spirit. When I found work, the establishment took advantage of me. My wages were cheap, sometimes I never received payment.

Despite my physical injuries and mental breakdowns, I managed to pay all my family and my own medical expenses. Our family of nine in 1942, only four survived past 1945.

There were no provisions or monetary funds provided for us early evacuees from Military Area Zone one and nothing was provided for our return to California.

I convey to you the conditions of pre-evacuation time; the way we had to live under Executive Order 9066; and health problems, both physical and mental, since post World War II. I am in full support of this hearing with redress/reparation S2116 and HR4110 to succeed. I sincerely appreciate your receiving my oral and written testimony. I thank you.

Alfred K. Nabeta

Alfred K. Nabeta
7161 Stonewood Drive
Huntington Beach, California
92647

GATE GUARDS

As I turned eighteen years old in 1939, the Selective Service lowered its registration age from twenty-one to eighteen and set the penalty for wartime draft evasion at a $10,000 fine and/or imprisonment. Since I am a natural born citizen of the United States of American with Constitutional rights and responsibilities, I met my responsibilities by registering with the Selective Service and applying for jobs which would help serve America.

During this time, I was working in Los Angeles, California, in a supermarket. Like many of my white friends, I noticed the tremendous expansion of the aviation industry. We decided that the best way we could serve America was by working in an aircraft factory until we were drafted into the army. Much to my surprise and personal embarrassment, I was not even allowed in the factory gates to apply for jobs because I was of Japanese descent. On the other hand, newly arrived German immigrants who could hardly speak English were immediately hired. Thus, for the next several months while all of these other people were being trained, I was still looking for better ways of serving America until I was drafted. I had been taking business classes at night school for a year and I finally enrolled in a welding school to learn the various methods of acetylene and arc welding and planned to work in the shipyards. However, my plans were never fulfilled because Executive Order 9066 came.

ONE SUNDAY MORNING

Sunday, December 7, 1941, started for me like any other warm and sunny morning in Los Angeles, California. I was opening the doors of the store where I worked when a total stranger rushed in and threatened me by saying that his brother had just volunteered for military service a few days before, and if the Japs killed him, then he himself would kill every Jap he saw. I was stunned by this threat because I didn't even know him or his brother and could only hope that he was sent to the European theater of war. Later that morning, I was again stunned when the radio announced that Japan had attacked Pearl Harbor. I didn't know that Pearl Harbor was an American naval base at the time, but I soon learned when Japanese property was confiscated and Japanese assets were frozen. On February 19, 1942, Executive Order 9066 was announced and all resident Japanese and Japanese-Americans on the west coast were forcibly relocated far inland although the detention camps for the earliest evacuees were not yet ready. Without government protection, our lives were full of fear and hardships.

EXPULSION--EXECUTIVE ORDER 9066: FORCED EVACUATION AND HATRED TOWARDS ALL JAPANESE

By Monday, December 8, 1941, the pressure on all west coast Japanese was frightening. F.B.I. agents rounded up the Japanese with precision and completeness. We were thoroughly questioned about alleged subversive activities, but were eventually cleared of all charges and released. The Japanese in San Pedro, California, had to leave first and were allowed to take only those possessions they could hand carry. My district was next on the evacuation schedule and my father evacuated with very little. While Executive Order 9066 ordered us to evacuate from the west coast, it did not, however, state a destination for our relocation. At first the authorities said Nevada, Utah, Colorado, somewhere past Zone Three, or east of Arkansas. Since no definite location or camp was specified or ready for the first evacuees, my family scraped together enough money for train tickets as far as Utah. I stayed in Los Angeles still trying to sell our property, but it was hopeless.

Although the apartment building with all of its furnishings which my family owned was already for sale with several interested buyers, Executive Order 9066 came too soon and we had to abandon everything we owned. Likewise, the restaurant we were leasing out was abandoned along with all of its expensive equipment and fixtures. Most of our personal possessions such as cameras and radios with short-wave bands were seized by authorities.

Everyone in California knew Japanese property was free for the taking as soon as we evacuated. I was too scared to go outside except to buy the few cupcakes I lived on. At night, I didn't dare sleep twice in a row in the same room of our apartments. I slept in one of the four utility storage and furnace rooms from the basement to the third floor. I was afraid that those people who hated the Japanese would catch me too easily.

When the last day for the Japanese evacuation at Los Angeles finally came, I was told to assemble near first street so that we could be taken to Santa Anita and to Northern California to Manzanar. I started to join the group and then stopped. I had just lost my home, life savings and my personal possessions. All my friends had been scattered to unknown destinations, never to be see again as far as I knew then. I wondered why we had to be held in a camp for what Japan did to my own native country, the United States of America. I decided to join my family and managed to slip away from the Manzanar group and go into the Los Angeles Union Station where I bought a train ticket to Utah with the last of my money. I wired my father that I would meet him in Salt Lake City, Utah.

I was guided to a special car of the train which was already packed with other Japanese evacuees and their piles of sacks, bags, cardboard boxes and luggage. Every inch of space including the restroom was jammed with people, and many had to just sit on the floor. Young children whimpered and cried with fear and hunger. If they had any food, it was only what their parents had been able to carry with them aboard the train. The blinds over the windows were closed tight and we were ordered not to touch them. The only light we had was a small bulb in the restroom. The train was scheduled to depart at 6:00 P.M., but was not actually allowed to leave until 10:00 p.m.

As the train clicked away from California that night, I felt as lonesome as hell because I believed I would never see California and my friends again. Even though the car was absolutely packed with other Japanese, I still had a completely empty feeling. No one spoke, and we all looked totally beaten with everything lost and no hope for the future. While the train sped through the desert night, I had plenty of time to think about our bleak prospects. What if our single car of Japanese was disposed of in the desert? Nobody would be the wiser, and the government would care even less. The train suddenly jerked to a halt in the darkness. What now? We were all afraid that this was our end.

After a big clank and a bump, however, we knew for certain for the first time where we were and where we were going because the train was being double-engined in Las Vegas for more power to climb into the mountainous region. When the train climbed to the higher altitudes, I noticed it was becoming unbearably cold even in the crowded car and knew we were in snow country. We finally reached Salt Lake City, Utah, where my father and his friend met me at the station. When I got off the train, I immediately wished I had an overcoat. A bitter wind cut through my meager clothing and the snow was piled at the sides of the tracks and around the station. Since I hadn't eaten for days before and during the entire trip, I shivered from both the cold and total exhaustion. I was too weak to talk and could manage only a tired smile when I greeted my father.

LIFE BESIDE A COAL BIN--OUR RELOCATION

After a long and difficult search for a place to live, my family located a cramped basement room next to a coal bin and struggled everyday to find enough work to pay for food and rent. Although I had often thought it would have been much easier for my family to enter one of the government camps which provided free food, clothing, and housing along with special social programs, singing, and art classes, we decided it would be better for us to remain on the outside as loyal and self-sufficient American citizens.

As a matter of fact, the very next day after my arrival in Salt Lake City, I sent the Los Angeles Draft Board my change of address in spite of everything that had been done to me under Executive Order 9066. I soon received a notice to take my pre-induction physical at the induction center on Post Office Place Street. During the examination, all the men were told to strip naked, but some refused to remove their shorts until the big sergeant in charge ordered them to do so. Our line moved slowly until we reached the blood test where several men fainted dead to the floor. We were ordered to simply step over them and to continue on with the tests. The man who did my test said that my blood was the first he had drawn from a Japanese. I didn't know exactly what he meant, so I just kept quiet. I was also given a written test where a "no" answer meant "yes" and "yes" meant "no". I was finally classified as 1-A and told to be ready for immediate induction.

Our welcome by Utah's population was colder than their freezing winter of 1941-1942. The whites looked upon us as completely undesirable until they discovered we could be used for free or cheap labor. Then they took advantage of us. The local Japanese who were already established in Utah looked upon us as outcasts. Their fear of F.B.I. inquiries made them treat us like untouchables with the plague though some did treat us kindly. Nevertheless, we soon learned to do without any local support, and my own family naturally looked to my father for direction.

FIRST CHRISTMAS AFTER OUR EXPULSION--1942

The Christmas of 1942 was our first after being expelled from California and was unlike any we had ever had before. During our Christmases in California, the hall in our apartments always had large, well-decorated trees full of lights and Christmas spirit. In 1942, however, my sister went to a tree lot and gathered up the branches that had been trimmed or broken off the trees. I didn't know she had done this, and I also went to the same lot and got the clerk's permission to gather an arm load of discarded branches. When I reached home, I discovered that sis and I had the same idea of decorating the room with the branches and enjoying the fragrance of the pine branches. We just didn't have the money for a tree or the ornaments, and our Christmas dinner was the usual bread and jam.

I miss my mother terribly. Her Japanese gourmet restaurant was a scene of many big parties held during holidays and special days.

WORKING AT THE STAR LAUNDRY

My first job in Salt Lake City was for the Star Laundry which was contracted by the government to do the wash for a veterans hospital and various army installations. I worked twelve hours a day, seven days a week, for ten dollars a week. The greedy owner named Brooks called the place Quartermaster to exploit his wartime contract and kept promising me a raise because ten dollars hardly paid for the rent and the bread and jam we were living on, but the raise never came. After a year of empty promises, I quit because the highly caustic wash powder burned my hands and lungs and made me violently ill. Brooks never warned me about how dangerous this powder and other equally caustic chemicals were to my health. As I left the plant, Brooks acted like a mad man as he yelled, "You goddamned Jap! I'll tell my personal friend who is the chief of police to throw you in jail! I promise you'll never get another job in town! I'll have you put in the army!" I calmly replied that his new promises sounded much better than what he had promised me before because I'd get free food, clothing, and housing instead of slaving for him. In fact, it seemed just like a real vacation.

Besides his laundry, Brooks also owned large orchards, a huge mansion, and an enormous walk-in freezer. He often boasted about hoarding hundreds of pounds of frozen beef, pork, deer, and chicken and five hundred pounds of sugar as his contribution to wartime preparedness. I could have informed the authorities about his illegal hoard and my enslavement under him, but would they have believed the accusation of an evacuated Jap against one of the city's most influential citizens?

In addition to working at the laundry for twelve hours a day, Brooks said he would pay me a good extra money if I would be his straw boss at his large peach orchard. I accepted because I needed the money. Brooks would stop me early each evening at the laundry so my Japanese work crew and I could pick the peaches. He often wouldn't stop us until midnight even though I had to be at the laundry at 6:00 a.m. to start washing because there were about twenty women waiting to continue on with their part of the laundry work. This went on until the peaches were harvested.

Since I was the straw boss, I asked for the pay for my Japanese crew. Brooks said he'd pay us in a day or two, but he never did. On the last day of picking, Brooks gave my father a bushel of culls and told him that I was a wonderful son to work so hard. I wasn't working for Brooks's sake, however, but rather for my family who needed the money to survive. The crew started to demand their pay and told me to collect it for them when they left. I didn't get one penny for the thousands of bushels of peaches we picked. I felt terrible because it seemed as if I had robbed the pickers myself.

The full year that I worked for Brooks 12 hours a day, 7 days a week servicing and repairing machines and boilers, even on Sundays and holidays, I averaged less than $10.00 a week.

My Christmas present from Brooks was a pair of white uniforms which was the the property of the Veterans Administration. I had to wear them for those were the only working clothes that I had in midwinter.

WORKING AT THE BUEHNER CONCRETE PRODUCTS COMPANY

After quitting at the Star Laundry, I was having an extremely hard time getting a new job until a young man approached me one day and said I looked as if I hadn't eaten a good meal in a long time. He was right. I had gotten quite thin and was still wearing the same clothes I wore during the evacuation. They had become ragged, threadbare and were missing some buttons by now. The young man said that I could get a job at a certain drugstore-restaurant and he would see that I got enough good food to build myself up. I thanked him and did look and feel much better after a couple of months at my new job. Later, I got another job at the Buehner Concrete Products Company. I started in the cement construction works, but lacked the physical strength and stamina to keep up with the seasoned workers. The job was agonizing until I was conditioned for and learned the knack of heavy construction work. The plant being short-handed on hard laborers, I got the job. I wanted to be friendly and pleasant on the first day and the owner of the plant assigned me to the second shift supervisor named Merlin Wolf. As we walked to the production area, he said, "You Japs bombed Pearl Harbor. I'll wipe that grin off your face." Thereafter, Wolf punished me with the hardest labor. When the heavy equipment had to be transported to and from the plants, he would strap the equipment on my back with this threat, "I'll kill you if you drop any of the equipment," and he walked empty-handed beside me.

One morning a new man named Ralph joined me at work. He wore a shirt and pants of very fine quality with shiny shoes. I suggested he go home and change to work clothes, but he said they were the only ones he had because he had never done construction work before. He said that he was married in California, lost most of his money in Las Vegas, and had just enough left to reach Salt Lake City. He wanted to earn enough to reach New York where his parents lived. I gave him half of my lunch and a pair of heavy gloves because his hands wouldn't have lasted a day working with concrete blocks. I made lunches for both of us until pay day.

On Ralph's first day of work at the plant, words got around swiftly that he is a Jew. I didn't know and it didn't matter to me for I just wanted to help him or anyone else in the same predicament. I have witnessed that the other workers are anti-Semitic. Also, at this plant, I was a victim of anti-Japanese and they called me "the Jap", a degrading remark. After several weeks, Ralph earned enough money so I wished him and his family a happy reunion in New York.

The wartime construction job was agonizing and grueling. Within the two shifts the race for production with less time loss was competitive and we never had a break time. Our lazy straw boss Herman was always shouting, "Don't you know there's a war on?" During the summer, we loaded concrete blocks in 110 degree heat. When winter came, I was switched to the night shift and worked in 10 degrees below zero cold.

When the school's summer vacation came, one of the boss's 14 year-old brother-in-law came to work. My instruction was to watch the boy and do his share and my part of the work to show that the job was done. Throughout the summer this went on and all long the company was paying the boy 25¢ an hour-more than I received per hour.

FOURTH OF JULY, 1943

MY NAME IS AL

The construction crew on which I worked consisted of Americans of Irish, Greek, Italian, German, English, Swedish, Norwegian, and Jewish descent besides my own Japanese ancestry. We worked side by side for two years through burning summers and freezing winters, and every man, except Herman, learned to respect some of the workers on the job. Herman was our lazy straw boss who was always trying to push his share of the work onto the rest of us. Herman asked if any of us wanted to work on the Fourth of July which was the next day. Nobody wanted to work on Fourth of July so I volunteered to watch the premises and help unload the logjam of boxcars in our shipping area because the federal government and the rail company would fine us as a defense contractor who was withholding badly needed transportation. When the real supervisor named Merlin Wolf asked Herman who was working on the Fourth of July, I heard him answer the Jap would. This angered me, so I just didn't report on the Fourth. Wolf was angry at me the next day, but I explained that my name is Al, that I am an American citizen and that I had heard what Herman said about the Jap. I also explained that if he had said Al was on duty, then I would have reported to work. Surprisingly, I was not fired.

OUR SECOND CHRISTMAS--1943

On Christmas Eve, 1943, we were nearly finished with our shift and ready to enjoy a rest the next day when a worker named Earl came running to us and yelled that some boys were just buried alive in the sand hill on the east side of the plant. We rushed to the hill and began digging with anything we could find. Some men dug with their bare hands until they bled. It was quite dark by the time we freed the first boy. He was crying and screaming that his brother was still under him and not to let him die. It was late into the night and had been snowing for some time when we tried opening the dump release door to free the second boy. He was dead by the time we reached him. I spent an exhausted and very sad Christmas the next day.

The snow from night before brought us a white Christmas. My father's illness grew steadily worse and the cold winter confined him indoors. More than ever I wished we were back in Southern California where the warm weather would allow father to be outdoors.

Monday was another work day and my hands were still bruised, blistered and raw.

AN INDUSTRIAL ACCIDENT--SHOCK AND TRAUMA

A worker named Slim was driving a commercial dolly in the loading area one day when he lost control and slammed me against a solid wall. The dolly twisted my left leg completely backwards, and only the thick leather of my work boots saved my ankle and leg from being totally mangled. The large timber rack on the dolly pinned me high against the wall in the figure of a cross. I felt a terrible pain starting from the left side of my neck and continuing down the entire left side of my body, and realised that I had struck my head on the wall.

When Slim finally backed up the dolly and let me fall to the ground, I was shocked to see all the attention he was getting while I laid there seriously injured. He waved his arms around and yelled, "I quit! I quit!" Another Japanese named Hipo Kuida and some white workers looked on, but did not want to get involved. I managed to crawl to the boiler room and nursed my own injuries until I overcame the trauma of the accident and was able to get home. Supervisor Wolf saw and talked to me at the boiler room, but didn't have me examined or give me any medical aid.

In spite of the pain, however, I decided not to let my sick father see me in such a helpless condition. I quietly limped inside our room so father wouldn't see me in my crippled state. I stayed in bed for a few days until the mental shock and physical trauma of the accident began to fade.

My left arm and fingers were numb and without strength. I couldn't pick up things and after several treatments, the doctor decided on surgery, but the night before the surgery was scheduled, my hand and arm regained its strength and control. Dr. Hashimoto and I were very happy and he told me to continue exercising my left leg. I hobbled to the doctor and paid all the bills myself. The company wasn't interested in an injured Jap and did nothing to help me. By the time I was able to limp back to my old job, Slim and all the other men who had witnessed the accident were gone, but that didn't surprise me. In those days no one cared what happened to Japanese-Americans. To this day, I still have to favor my left leg and sometimes feel pain all along the left side of my body.

NO MERIT RECOGNITION AND A DEEP ANIMOSITY

Although I wasn't given a breathing mask to protect me from the caustic drying chemicals and cement dust, I helped make the building materials for Dugway Army Chemical Proving Grounds, Tooele Ordnance Army Depot, Hill Army Air Force Base, Bushnell Hospital, and Wendover Army Air Force Base with the very hanger, as I was to read in 1979, that housed the "Enola Gay", the B-29 which dropped the atomic bomb on Hiroshima. When Wendover Air Base and its bombing range were completed on schedule, Utah's governor and a U.S. army general announced a big party for all the workers to present them with certificates, awards, and medals for a job well-done. Since I had voluntarily serviced the plant's boiler for two years without pay besides working my regular shift at the various military installations, I deserved as much recognition for meritorious duty as anyone else. The company boss named Otto Buehner, however, would not let me attend because I was a Jap and probably an enemy agent. If I had been an enemy agent, then I could have blown up the plant a long time ago. Thus, I felt a deep animosity from a country which repaid a loyal and hard-working citizen with suspicion, insults and prejudice.

MY FATHER: 1942-1945

One day my father was walking to the grocery store for what little food we could afford to buy when the authorities took him into custody. Father had already been investigated and cleared by the authorities in Los Angeles who discovered he had even registered with the United States Selective Service in both June, 1917, and April, 1942. The authorities in Utah, however, wanted to question him again. While father had been in good health before his evacuation from warm southern California, he developed heart trouble and asthma after his relocation in the much harsher climate of Utah. After his interrogation and release by the authorities, father contracted tuberculosis and became steadily worse.

The doctor advised me to place father in a sanatorium, but I could not bear to send him away alone. My oldest sister died during this time, and that only made father's condition worse. I worked at several low paying jobs to support my family and to pay the medical bills. Sometimes the doctor didn't even take his fee after seeing how ill father was. Father died in the winter of 1945, and I had to make funeral arrangements for not only him, but also for my mother who had died at the start of the evacuation.

In accordance with the law of the State of Utah, I became the administrator of our family and was responsible for all the medical and funeral expenses.

FINAL BURIAL FOR MY MOTHER--1945

My mother died right at the beginning of our evacuation under Executive Order 9066. We couldn't bury her because we weren't allowed to buy a burial plot and had to evacuate immediately. We finally had to leave mother to be cremated while we were being relocated in Utah. In 1945, however, the Los Angeles Health Department issued a permit which allowed us to take my mother's urn out of California. The urn was first released to my mother's church which notified me to claim it because the church didn't want the responsibility of keeping it. I now had to face the problem that Japanese-Americans were not yet allowed back into California in early 1945. Nevertheless, in the mid-winter cold of Utah, I caught a train to California to claim my mother's urn.

I arrived in Los Angeles on a typically bright and warm southern California morning. The weather was the same as I had remembered it from three years before during the evacuation. My fear of being arrested by the authorities was also the same, but I calmly took a cab to my mother's church. When I reached the church, the minister told me the church was being watched by F.B.I. agents in cars across the street. I stayed in the basement of the church for the rest of the day to avoid being arrested and was too afraid to even eat lunch or dinner. Late that evening, the minister told me the F.B.I. agents were changing shifts and called a cab for me. I packed my mother's urn in my suitcase and rode to Union Station. As strange as it seemed, I was leaving my home town at night fearing for my life for a second time. Although I could have been caught by civilians and killed on the spot, no one noticed me as I boarded the train.

My train was crowded with servicemen who immediately filled the diner. Although I hadn't eaten for three days, I couldn't get to the diner anyway so I stayed in my seat and pretended to sleep to avoid any trouble. A master sergeant sat next to me and seemed unconcerned about my being Japanese. As we talked, he mentioned that he was retiring after thirty years in the army even though the war wasn't over. I wished him the best of luck. I noticed that servicemen never caused me any trouble during the war. Instead, it was the civilians who confronted me with discrimination, bigotry, harassment, and abusive language.

I finally reached Salt Lake City and could now bury my mother and father together. I purchased a double grave plot and the best pink granite headstone I could find. It was more than I could afford, but I managed to eventually pay for it in full. After all, this was the final act of love I could ever do for my parents who worked hard all their lives for their seven children.

Between 1942 and 1945 three of my sisters also died. Two of them died as a result of American bombings. They were American citizens. I often thought how much easier it would have been to die than to struggle on through the war with Executive Order 9066. Out of nine members of my family alive in 1942, only four survived past 1945.

Soon after the end of the war, one of my remaining sisters came to me for help because she was pregnant and the baby's father was a white American soldier. She was working for the American Government Team at the time, and the soldier refused to marry her. So I paid all of my sister's doctor and hospital expenses and supported her and the child until they were able to be on their own. This was just too much for me to accept then, but I managed to go on.

REHABILITATING THE JAPANESE FROM THE CAMPS

Despite my own struggle to support my family and myself, I felt my self-sufficiency was preferable to the unproductive dependency of those Japanese in government camps. I thought the best thing for me to do was to help them leave the camps and get back on their own effort. I phoned and talked to many at the camps and encouraged those visiting from the camps to come out permanently, but several were too afraid to try it. While I explained that we were still subjected to prejudice, harassment, verbal abuse and cheap wages, I also assured them that it was relatively safe on the outside since there had been no beatings or killings.

I did coax them out one by one and showed them that we lived poorly and worked cheaply, but were getting by on our own efforts. I soon discovered, however, that these people had already been contacted by relatives and friends back east with stories of good jobs and nice homes. They quickly left for places east of Utah to Denver, Chicago and New York, so I wished them all success and good luck. This also inspired other local Japanese-Americans to move elsewhere to eastern states. The people from camps seemed to direct their bitterness toward somebody instead of the governmental system that first expelled and relocated them away from California. The camp life was not forever, and I was trying to help them become self-sufficient again.

SALT LAKE TRANSPORTATION CO.

1944

A CRUEL CON MAN

With the government's wartime construction nearly completed, I had to find another job. I picked a transportation company where I serviced a fleet of cars at night and trained to be an auto mechanic and repairman during the day. One day the company boss named Evans assigned me to the freight transport man name Lou. Since I was younger, I did the heavy deliveries while Lou did the billing and collecting which allowed him to work his con.

Lou worked his con when we had to deliver the caskets of dead soldiers to their bereaved families. The caskets arrived at the railroad station where we would pick them up for delivery. Some caskets were escorted by an honor guard, but most arrived alone. Although it was spooky hauling the caskets at night, I knew these men died for their country and the thought made it easier for me. Lou would give the grief-stricken families an Oscar-winning performance of sympathy and how hard he worked to return the dead soldiers to them. They often tipped him hundreds of dollars in their relief to get the bodies back. I never got any of this money.

I often drove the truck because Lou was always drunk. At those times, he would pull out a huge roll of bills and brag about the large denominations. He carried thousands of dollars around with him. At the end of the month on pay day, Evans said that Lou was supposed to pay me. Lou said the company was supposed to pay me while I owed Lou a bottle of whiskey for keeping me on the job. Evans then said I should be getting enough from tips so I was never paid. Of course, the authorities would not listen to me when I went to report Lou, Evans and the office manager who were all in this together. Also, some of the company officials were using gas from the pumps without surrendering wartime gas stamps.

This all ended with me losing my pay and my job, but I lived with a clear conscience that I made an honest effort to bring the fallen heroes back to their families and loved ones. I have since thought that this was a contribution service to my country.

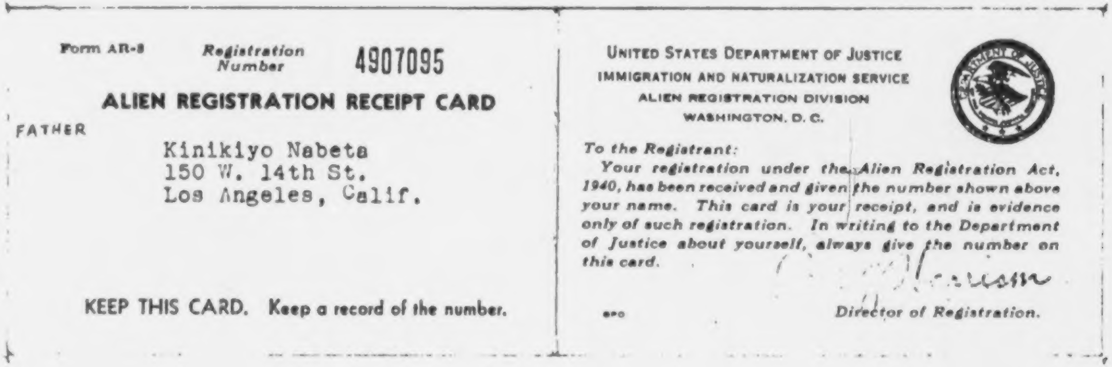
MY FATHER KUNIKIYO NABETA
HIS FAITH IN THE AMERICAN FLAG

When I was still young, my father helped me become a Boy Scout of America by teaching me how to pledge allegiance to our American flag, how to love and care for our flag, and how to hold faith in the justice and equality which our flag symbolized. Along with the other store owners in our business district, my father always displayed a large American flag on our store front during such national holidays as the Fourth of July and Veterans Day. I always felt proud to put up our flag because it made us a uniform part of the passing parade. My father even went to the extra effort of making a storage cover for our flag to keep it clean, bright, and beautiful instead of dirty and dingy like the other owners' flags. Thus, my father taught me not only to physically preserve the American flag, but also to spiritually preserve its meaning as well.

LAW OF THE LAND

Despite all of my wartime hardships and suffering under Executive Order 9066, I do want to protect the future Civil Rights of all Americans. I do not want them to suffer as I have suffered. While there will always be people who will take advantage of minorities, I believe as an American citizen that the government must face reality and obey the law of the land like everyone else. I believe it is wrong to aggregate the Japanese-Americans with the government of Japan, and also the lumping of all Japanese and Japanese-Americans residing in America as one common enemy caused us to go through unnecessary hardships. We Japanese-Americans have the right to re-establish our civil liberties. Since the United States of America is the greatest country on earth, let us preserve the Civil Rights of all Americans and prevent any majority group from ever again railroading any minority group. This hearing concerns the enforced evacuation of my family on January, 1942, who were expelled before the camps were made ready. We were ordered to leave Los Angeles Zone #1, which forced us to abandon our restaurant, home, equipments, and led to the selling our rental property at a token price. We could gather only a meager amount of money because the buyers knew of my family's expulsion. The history of that time states, "Volunteer Evacuation". When all our assets, mainly civil, constitutional, and birth rights are stripped and taken away from us, it is not Voluntary Evacuation. Today it is called "Enforced Evacuation-Relocation". I totally agree with Judge/Commissioner Marutani when he quoted "I think that it's incorrect to say ''Voluntary Relocation ".

My parents, Kunikiyo and Kin Nabeta and both of my grandfathers farmed during World War I for the United States Government in North Platte, Nebraska. They sold the farm and started in business.



Form AR-3 Registration Number 4907095

ALIEN REGISTRATION RECEIPT CARD

FATHER

Kinikiyo Nabeta
150 W. 14th St.
Los Angeles, Calif.

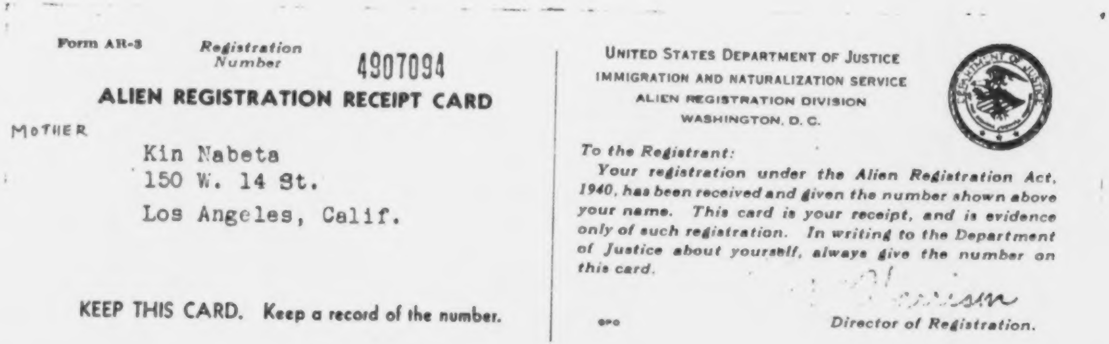
KEEP THIS CARD. Keep a record of the number.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
ALIEN REGISTRATION DIVISION
WASHINGTON, D. C.

To the Registrant:
Your registration under the Alien Registration Act, 1940, has been received and given the number shown above your name. This card is your receipt, and is evidence only of such registration. In writing to the Department of Justice about yourself, always give the number on this card.

GPO

Director of Registration.



Form AR-3 Registration Number 4907094

ALIEN REGISTRATION RECEIPT CARD

MOTHER

Kin Nabeta
150 W. 14 St.
Los Angeles, Calif.

KEEP THIS CARD. Keep a record of the number.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
ALIEN REGISTRATION DIVISION
WASHINGTON, D. C.

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GPO

Director of Registration.

REDRESS AND REPARATION

I am free-born with good repute, well-recommended, and commendable. I was forcibly expelled and dispossessed of my property and Civil Rights, forced to evacuate and relocate, and forced to sojourn in the mercy of ruffians. For nearly half a century, I have considered what is the best method for making Americans learn and understand this everlasting lesson. An eloquent piece of paper with elegant regrets and apologies does not make an adequate restitution because some people can't read, some do not comprehend, some are prejudiced, and some do not have the time to consider our suffering until they are similarly victimised.

The one type of restitution, however, which everyone understands is monetary redress and reparation. The true problem concerning Japanese-Americans is the extent of the damages inflicted upon them under Executive Order 9066, and the only respected solution is in money. Until a convincingly and substantially high enough monetary value is placed on our suffering, deaths, and breakdowns on our health, the majority of Americans will not feel the impact of our loss of Civil Rights. As I have already seen many times, a monetary solution is a mainstay in the American system of justice and will free our minds and consciences while we are still alive. Since it was the government's own Executive Order 9066 that stripped we loyal Japanese-Americans of all our possessions, properties, and birthrights, I say monetary redress and reparation is our only just solution.

Cordially,

Alfred K. Nabeta

Alfred K. Nabeta
7161 Stonewood Drive
Huntington Beach, California
92647

PREPARED STATEMENT OF JOYCE I. OKINAKA

To: Pat Phillips, Chief Clerk
Committee on Governmental Affairs
Subcommittee on Civil Service, Post Office
and General Services
601 Hart Senate Office Building
Washington, D.C. 20510

Re: Written Statement for inclusion in the printed record of the August 16, 1984, hearing in Westwood, California, on S. 2116, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians

I am a Japanese-American, born and raised on Maui, Hawaii. No one in Lahaina, my hometown of several thousand people, was interned except for two families, both the families of ministers of Buddhist churches in Lahaina. The circumstances of the prison camps were never made clear to us and I remember one of the girls, who was my classmate, talking in terms of it as an experience to be envied because it had caused her to be one of the few people we knew in Lahaina who had been on the "mainland."

This state of ignorance regarding the import of the government's action lasted until I went to law school and read the Hirabayashi and Korematsu cases. Anyone who understands due process and equal protection and other constitutional guarantees knows that the internment was wrong, legally and morally. As an American citizen, I want to voice my support for monetary reparations to those who were incarcerated. An apology is not enough to compensate them for the loss of several years of their lives as well as the stigma that continues to this day.

Those who ask for reparations do so using the governmentally-sanctioned forums - Congress and the courts. There has been a ruling by a federal district judge in Washington, D.C., that the class action suit for redress was brought too late. The judge acknowledged the grievous injury inflicted on the plaintiff class but pointedly referred them to Congress for redress. The decision is being appealed.

The State of California and local governments including Alameda County, Los Angeles County, the City of San Francisco, and the City of Los Angeles have compensated those who lost their government jobs with $5,000.00 each. The federal government that actually caused not only the job loss but imprisoned and disrupted the lives of about 120,000 persons should also pay proportionately more for the greater injury inflicted. It is inconceivable that the thought of no monetary reparations is even being considered.

The citizens of the United States suffer a great injury if this tear in the fabric of our Constitution is not mended. Reparations must be made while there are survivors. Already, almost half have died. There must be no further foot-dragging. The CWRIC was created specifically to make recommendations on the issue. It recommended monetary reparations. Congress should adopt the recommendations of its own commission. A bill twenty years hence for monetary reparations to a handful of survivors would be meaningless. Congress is charged with many responsibilities, among them the opportunity to do justice. Not to grant monetary reparations would leave an indelible mark of dishonor in our nation's history.

Joyce I. Okinaka

Joyce I. Okinaka, Attorney
19770 Los Pinos Dr.
Walnut, Calif. 91789

PREPARED STATEMENT OF CATHY MIYO OTA

I write in support of monetary compensation to all evacuees of Executive Order 9066.

Although I could set forth the statistical and historical grounds for monetary compensation, I choose instead to tell you the reasons based on the personal experiences of family, friends and relatives.

I am a third generation Japanese American, or Sansei, born to parents who were imprisoned as a result of Executive Order 9066. Through them I have felt, as much as one can without actually living through an experience, what it means to be racially singled out, to be called an enemy, to be stripped of all rights, to be imprisoned. Through them I have felt what it means to have your realities shattered and your dreams destroyed.

My parents worked hard all their lives to give me opportunities that were lost to them. I would like to say that the dreams they had for me were dreams they knew were never possible for themselves. But that is not true. They too had opportunities and dreams that may have become realities had they and their families not been uprooted and imprisoned.

My grandfather came to the United States from Japan as an immigrant. Like other immigrants, he gave this country his hard labor and sacrifice in hopes that his children would have a better life. He built a business from scratch in the Los Angeles produce market. More than dreams were shattered when he was arrested and imprisoned. He was separated from his children for months and was never to see his wife again. He lost everything he spent a lifetime building, including his business.

My father was my grandfather's only son. All his life, my father was told he would go to college. The evacuation changed everything. By the time he was released from camp, his mother was dead and his father was too old and broken to begin anew. My father worked and sacrificed to support himself and his father. He forgot about college.

My father is an 'L.A. boy'- born and raised in Los Angeles, California. When he was growing up, Los Angeles was all he knew, America was all he knew. Like many other Issei and Nisei, the evacuation affected him deeply. It took over thirty years before he could seriously talk about the experience to even his own children.

How little an amount of $25,000 is to compensate a person for such an immeasurable loss of life, loss of freedom, loss of hopes, dreams and ambitions. But monetary compensation is the American way. As an attorney familiar with our system of justice, I am aware that monetary compensation is the way we recognize a wrong and attempt to right it. There are few Issei alive and many Nisei are dying early deaths, so it is with great urgency that I support monetary compensation to each evacuee or their heir or heirs. It is the very least our government can do.

Sincerely,

Cathy Miyo Ota

Cathy Miyo Ota

August [illegible]
Anchorage, AK

PREPARED STATEMENT OF
PATRICK PLETNIKOF

Mr Chairman:

In reflecting over the months of effort and work that it has taken to get to this historical hearings and gathering of the Aleut Nation, it is truely important for all of us to think deeply and subconsciously about the meaning of all of this.

All of this effort, and similiar efforts begun for the Aleut Nation, began first with the spirit. The Spirit of God which is in each of us. It began not knowing or understanding fully where it would lead us or how it would all turn out. It all began with the knowledge that each of us individually, and collectively are important not only to each other, but to the society in which we live and to our faith. It began so that each of us individually and collectively might find that which is life itself, and once recognized, be able to live it fully. It began so that man might come to understand that the only way there will be peace, is to live with respect for each other regardless of his state in life and regardless of his race and creed. These things must be understood, especially by those who are Aleut if we are to survive and progress as a distinct people.

In retrospect, this effort and hearings today started perhaps in 1969-70. The Chairman, the Honorable Ted Stevens, invited me on a tour he was taking on the Aleutian Islands. The purpose of this tour was to visit the military installation of Adak and Shemya. Also, [illegible] Amchitka site prior to the testing of a nuclear device. This particular trip also was historical, as the Senator and I, with the help of the U.S. Navy, made the first aircraft landing on

St. George Island. Since that time, things have progressed.

The record should reflect that the Honorable Ted Stevens has been most instrumental in securing and insuring that the concerns of the Aleut Nation are heard in the Nation's Capital. Because of his personal involvement, much has been realized, and most certainly, we are here today because of that.

Senator Stevens, on that visit to the Aleutians inquired of me what it was that could be done to improve upon the livelihood of the Aleut People. As we made our various stops, I believe the message was clear to him. Once in the air, in the Navy's Orion P-3, the Senator thought aloud, "Why not see if we could not somehow get all the junk cleaned-up?" From that time, it has always been in my mind as to how this might be accomplished. I believe the Senator has thought about this over the years as well.

Certainly, it is appropriate that the Aleut Nation be justly compensated and made somewhat whole for the damages they have suffered. But, we must look at this in the following manner:

1.) Compensation must not only be in the form of payments to individuals. For those who were individually affected, Compensation must be set so that they receive payment in one singular payment and tax-free. The level of payment should be equal to that which is proposed for the Japanese-Americans who have suffered a similar fate.

On the other hand, if the Compensation that is proposed for the affected Aleut Individuals is

-3-

less than that proposed for the Japanese-Americans, then there must be other considerations.

For instance, provisions must be made so that the debris left after the war must be cleaned up. A good place to start would be with the study completed by the Army Corps of Engineers. The sites where there are villages or on lands selected by the various village corporations must receive priority. It is only in this fashion that these lands will be returned to a state where there is some use of them in the future. Otherwise, the debris on these lands will pose a undue economic hardship on the people in the future when that land may be needed the most.

With any kind of work, provision must be made so that the village corporations whose land is affected, receive the prime contract to carry out the work. Joint-Ventures between village corporations must be encouraged. It is important that the maximum amount of benefit from any project is retained by the Aleut Population.

2.) The Orthodox Church must be compensated properly. The churches must be re-built. The Orthodox Church is the Spirit of the Aleut People. She must not in any fashion be forgotten. We, as Aleut People, would be remiss in our obligations if we allow the our Mother, the Church, not to be compensated and recognized properly. Our Mother the Church, has never left us. We must not abandon her now.

I would propose that at least

-4-

25% of all payments, outside of that made to the individuals, be set aside for the Orthodox Church in Alaska. At least 50% of the 25% should be put into a special fund for the reconstruction of churches where appropriate. These funds could also be utilized for repair of the existing Churches or the construction of new ones. The other 50% should be set aside for various programs at St. Herman's Seminary and for other programs throughout the State where there are Orthodox Communities.

A special board of Governors should be established for the use of these monies in Alaska. The board should be comprised of His Grace Bishop Gregory as the Chairman and individuals from the Aleut Communities and Priests as appointed by Bishop Gregory.

This fund, for the Church, must be given priority. If we fail to do this, I believe we have failed in our duty to ourselves, and have lost the meaning of these hearings.

At the onset, I mentioned that it was because of the Spirit of God that these hearings are held today. It is also because of the Spirit of God in Him, that we are where we are. Let us not forget this, and let us as a strong race of proud and distinct Aleut Nation proceed into our future and that of our Children.

I thank all of you and thank the Honorable Ted Stevens for all he has done for the Aleut People. Certainly, without his help and personal concern, that which is realized today would probably not have been.

God Bless You All.

Respectfully,
Patrick Pletnikoff

PREPARED STATEMENT OF WALTER SAKAI

August 13, 1984

Pat Phillips, Chief Clerk
Subcommittee on Civil Service, Post Office
and General Services
601 Hart Senate Office Building
Washington, D.C. 20510

My name is Walter Sakai, I live at 2465 NW 121st Place, Portland, Oregon 97229.

The following is testimony in support of Senate Bill S. 2116.

I was one of the 120,000 persons of Japanese ancestry living on the West Coast in 1942 who was evacuated, relocated and without charges of wrong doing, a trial or hearing detained by the United States Government. I subsequently left detention at Minidoka, Idaho to enter the Armed Forces of the United States..

Following the bombing of Pearl Harbor, newspapers headlined and radio stations broadcasted many rumors and allegations of various fifth column type activities by persons of Japanese ancestry residing on the West Coast. These rumors and allegations cast dispersions on the loyalty of persons of Japanese ancestry and added fuel to the racial predjudice and clamor of special interest groups for the ouster of persons of Japanese ancestry.

Unknown to me and the general public at the time was the fact that these rumors and allegations were being investigated by the FBI, Military Intelligence Agencies and other Federal as well as local law enforcemnt agencies including the FCC, and found to be untrue. Unfortunately, for us, the government never published reports of their findings or repudiated any of the unfounded rumors and allegations. Persons like myself and the general public had only the newspaper and radio accounts of that time to rely on for what we thought was factual information. It was many years later, particularily after passage of the Freedom Of Information Act in 1966, that we learned the truth from historians and scholars who had researched this period in our history. The report of the Commission On Wartime Relocation and Internment of Civilians which was based on the research of tens of thousands of documents and personal testimonies of over 750 witnesses merely confirmed what others had already found. That there was no military necessity for the mass evacuation, relocation and detention and that a grave injustice was done.

Now, we have a David Lowman, foremer Intelligence Officer with the National Security Agency who asserts that the "Magic" cables-intercepted radio messages between Japan and its diplomats in America included such information as:

> Reports that "first and second generation Japanese had been successfully recruited and were now spying on shipments of supplies and war materials," and"mentions of connections with our second generation who are at present in the Army to keep us informed on various developments" and "our second generation working in airplane plants for intelligence purposes."

Mr Lowman in effect is charging first and second generation persons of Japanese ancestry with treasonous activities. Surely, the FBI, Military Intelligence Agencies and others charged with security reponsibilities knew about these cables and investigated these allegations. Because persons of Japanese ancestry would be readily identifiable, particularily if they were in the Army or working in an airplance plant, it would have been a relativley simple matter to keep them under surveillance. Any reports of such investigations surely would not be classified documents now but would be a matter of public record. I would hope therefore, that the Subcommittee would ask Mr. Lowman or others who make similar allegations to produce documented evidence to support their charges. . For example:

1) Were these alleged acts of treason investigated?
2) What were the findings?
3) How many persons of Japanese ancestry were arrested?
4) What were the charges?
5) How many were convicted?

During World War II, persons of Japanese ancestry were victimized by rumors and allegations of disloyalty. At that time, we had no recourse. There were no trials, hearings or published accounts of investigations conducted by the FBI, Military Intelligence Agencies etc. We had no recourse to the truth. I would hope that the Subcommittee will seek out the truth. It isn't asking too much that persons such as David Lowman be asked to submit documented evidence to support their allegations of wrong doing by persons of Japanese ancestry.

There are some who will argue that the events of the 1980's cannot be evaluated in the light of peacetime 1980's. I would say to these people that the Constitution of the United States and the Bill of Rights were not drawn up to be observed only during tranquil and peaceful times. To the contrary the Constitution and Bill of Rights are merely words on pieces of paper until the rights of individuals are challenged. Then these words are given meaning and come to life under the direction and leadership of those charged with this reponsibility. Public officials, even the President, upon taking office take an oath to uphold the Constitution. There is nothing in this oath to suggest that the Constitution need be upheld only when convenient or popular. This truth was clearly stated during another national crisis many years ago by Justice David Davis of the U.S. Supreme Court in Ex Parte Milligan 1866.

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances.
>
> No doctrine involving more pernicious consequences was ever invented by wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

In closing, I again respectfully ask the Subcommittee to seek out the truth. When the truth is known the grave injustice which was done to 120,000 persons of Japanese ancestry during World War II will be known. Implementation of the recommendations of the Commission On Wartime Relocation and Internment of Civilians, including compensation for the survivors, will at long last serve to right the wrong.

Thank you.

Walter Sakai

Walter Sakai
2465 NW 121st Place
Portland, Oregon 97229

PREPARED STATEMENT OF A. ARTHUR TAKEMOTO

My name is A. Arthur Takemoto, presently a Buddhist Priest. What I am about to write does not reflect the feelings of the Buddhist Churches of America or the temple which I am presently serving but a very personal experience I have had in serving the temples prior to evacuation, conditions in the camps, relocation to the Midwestern states to returning to the Pacific Coast in February, 1945 when the Pacific Coast was once again opened to the people of Japanese descent

My background from which i write is from the voluntary work in which I was involved as a student and one of the leaders of the Young Buddhist association.

Before the outbreak of war, I attended the Roosevelt High School in in Los Angeles where I had served as the Boys' League President and had also served as its Student Body President during my Senior year. After graduating from high school, I attended the then Metropolitan School of Business which is presently known as the Los Angeles Trade College. I served as Vice-President of the Student Body and also as the Student Body President until such time I was no longer able to attend school because of the curfew and five-mile travel restrictions imposed upon all members of Japanese descent.

I also have a physical handicap which gave me a 4-F status but because of this condition, as I dropped out of Business School, the first day of curfew, returning from my brother's produce stand in Bellflower Via the Pacific Electric car to main terminal , transferring to the LARY street car "P" car, I arrived home five past the hour of 8:00p.m., when entering the the house I was interrogated by a Federal agent (2) for over an hour, for merely being late about five minutes after curfew hour.

Hence, since there was little I could do as an individual, I volunteeered my services at the Los Angeles Hompa Hongwanji Buddhist Temple which was then located at 119 North Central Avenue doing what there could be done to assist anyone.

In temple compound, in cramped quarters were housed the members of ministers' families whose husbands were incarcerated in special camps. A good portion of the Buddhist priests were taken from their temples and families for reasons unknown, except that those who were incarcerated were involved in teching the language at the temples which was one way to supplement the low increments offered by the temples for their services. Others, perhaps were concerned as judo, kendo instructors.
Caring for their needs, and simply being there to answer question was sufficient. Thereafter, with the edict from the United States Government for the residents of the Terminal Island residents in February, 1944, created further chaos with all the stemples and churches offering facilities for these people to find temporary living quarters was necessitated. Every available space of the temple was utilized to accord a place to sleep. Every classroom, office space, meeting room were usedwhile the hallways and the social hall was used to temporarily house what little household goods they were able to salvage.
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Soon after information in regards to evacuation began to hit the the newspapers . Necessity of finding storage place for excess household storage became apparent. At this time at gret cost, arrangements were made to substantiate the building by placing heavy screens and protective materials on all doors and windows for security purposes were prepared. The temple had to be discontinued, as mass gatherings were discouraged for fear of harrassments, riotous conditions. As the result, the main worship hall, the social hall and the balcony space was used to store the excess household goods for the evacuee-to-be In a matter of a month and a half, the entire worship hall was used to house all the boxes, trunks and other personal belongins, while the bed springs and larger items items were hauled up to the third floor balcony area while the basement area was used to put refrigerators, stove and other items for the Japanese families, regardless of religion or faith to store their perseonal goods at a rate of $2.00 to $3.00 per item.

These responsibilities are, in retrospect, the duties of the government, in as much as evacuation was an order of the the government and as such, the government should have been responsible for its care. And, because the temple had felt the obligation of sending some of these goods stored to the evacuees, the temple used its own expense to send them to wherever they evacuee may have resided. This was done primarily to alleviate the burden of the evacuees who were without financial assistance.

Further, after the temples were closed down after the japanese were all evacuated from the the Pacific Caost, some kind of custodial service or care was necessitated. Many temples and and churches were even boarded up for safekeeping, though, temples in Delano and San Diego were damaged or totally destroyed by fire, while others were broken into. There were no government compensation. In the meantime, many temples were greatly hit by mortgage payments that needed care throughout without any members to take care of these needs.

The Buddhist members were greatly handicapped in the concentration camps because almost no assistance was received from outside sources as were available to the protestant churches, catholic churches because they had their own missionary groups to assist them with materials, books and whatever. The Buddhist groups were greatly handicapped because they had no assistance in the way of books, literature, materials becuawe there were so few Caucasian Buddhist priests. One in particular who did his best to provide assistance was the Rev. Julius A. Goldwater, who took time on his own funds to visit the various centers, bring whatever materials available to the centers. However, no service books were available nor very little books because the evacluees were allowed only the very bare necessities. Thus, all service books were mimeographed or dittoed in camps by purchasing gelatin processed machine or mimeograph machines to make whatever books necessary for service use. The children had therefore, at the outset almost no materials for classwork.

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Another fact that must be taken into consideration is the fact hysteria resulted in many of the families to burn their sutra books (service) because they were written or had Japanese writing and when the Buddhist ministers were the first to be pulled in, people began to fear anything written in Japanese and in their possession may show cause for them to be pulled in also. People who were not so confident with the Buddhist religion because of their lack of understanding of the religious tenets became what is known as the "bread and butter" Christians thinking it would be more advantageous to be Christians during the crisis.

As a Youth leader, my role was to set up programs for the youths and to serve as a translator of the minister's message which was given in Japanese. Reading through what little Buddhist literature I had, I began giving messages to the Sunday School children and to the youth groups. Feeling the inadequacy in my knowledge, I chose to become a Buddhist minister. After one year of camp life in Poston, I transferred to Topaz where the temporary headquarters of the Buddhist Churches of America was located and while serving at its secretary, I studied under the Late Bishop Ryotai Matsukage, who led a bedridden life in camp. I also studied under the late Rev. Itsuzo Kyogoku was also very ill and whose heart was functioning at 60% of its capacity. I was also under the tutelage of the Late Rev. Shintatsu Sanada, the Late Tetsuro Kashima and the Late Rev. Zenkai Okayama. I stayed there for a year and then in May, 1944, I was called to Chicago, Illinois to assist the Late Rev. Gyodo Kono establish what is now the Midwest Buddhist Temple. Leaving for Chicago, I arrived in July, 1944, receiving from the Government a railroad ticket which took me to Chicago, via Denver, Colorado.

Through my brother and sister-in-law's kindness, I had a place to live in Chicago. Rev. Kono and I did not have an officenor any facility which we could call a temple. In order to establish an office in Chicago, we were able to rent an old apartment room on 1300 No. Lasalle which was bed bug ridden. We purchased a desk, a typewriter and began our operation as a temple. We went daily to the WRA office to seek lead as to where we could rent a meeting hall. We were fortunate in finding one place that welcomed us and that was the South Parkway Community Center in the Black neighborhood. In order to find a morecentrally located area, we went to every service organizations that had a sign out "Hall for Rent". The common replywas, we will notify you after we discuss the matter with the officers. Not one of them notified us. After much attempts, the WRA authorities, through one of their officers who happened to know of the great humanitarian, Dr. Homer Jack, arranged a meeting place for us at 1260 No. La Salle Avenue, the UPTOWN PLAYERS" a playhouse which was also used as for church services by the Unitarian Church and was run by the Late Dr. Preston Bradley. They were kind enough to rent us the hall for $9.00 per Sunday and raised to $12.00. We conducted our services at both locations for over six months, but found it too costly to operate at both places with the size of the following at that time.We were sending over 800 notices every week to newly relocated people, whether Buddhist or not, from the lists of relocatees received from the WRA office.

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Original charter member numbered seven people, then increased to seventeen. With that many post cards sent out weekly and church bulletin followed. Attendance was slow because many were trying to get established in their new environment, jobs, etc.

Rev. Gyodo Kono and I were not being paid for our services. Rev. Kono used what ever funds he received from his going away gift when he left the ROHWER camp from friends and parents who had children who relocated to Chicago area. I had no funds. Luckily, I was living with my brother so I had a roof over my head. I received no increment for the first three months. The fourth month, I received $20.00. My bank account was depleted. The fifth month, I received $50.00, and after six months, I received $125.00 for my services. My job was to serve as liaison with the FBI. I became very good friends with one of the FBI agents since I used to see him almost every week. I realized then that they knew more about me and Rev. Kono than we did. They knew exactly how many people were in attendance; how many of the Nisei soldiers who were on R and R who had attended service; where Rev. Kono had gone, what route he took. YOu see, we also covered Detroit and Cleveland as well as the twin cities in Minnesota.

As the new evacuees came into Chicago, we offered our services by welcoming them. We assisted in arranging housing as well as receiving calls for employment.Chicago became of the hub of the Midwestern states. From the originally nine the congregation was built to 300-400 people by the beginning of January, 1945. When President Roosevelt signed the edict that that Japanese Americans were allowed to return to the Pacific Coast, I was asked by the Rev. Julius A. Goldwater whether Ican assist him in opening up a series of Buddhist Hostels to house the returning Evacuees to the Los Angeles area.

February 9, 1945, I arrived in Los Angeles Union Station via the Santa Fe Chief. I stayed at 119 No Central Avenue Temple building for a month, acclimating myself to the ever frightening condition of the so called Little Tokyo area which literally turned into a honky tonk area which was infested with bar after bar, as well as flop houses and medical clinics.

Borrowing army cots and army blankets from the WRA Warehouse we established a hostel at 1336 W. 36th Place, which is the present site of the Senshin Buddhist Temple and at 1517 W. 166th Street, Gardena, which is the present site of the GaRDENA Buddhist Temple. arranging for shower facilities, kitchen utensils by going to the various army surplus stores, adequate facilitieswere arranged to meet the evacuees returning to California on a temporary basis. We made arrangements for the evacuees to apply for their gas rations, food ration coupons, arrangements for housing as a housemaid, cook, gardener, etc. Arrangements were made to get them gardening routes, other odds and ends employment. Most jobs available were domestic in nature. For the women, it meant an assurance of a place to stay because most the Japanese did not own their own homes because of the Alien Land Law

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Much of what we did were primarily to assist the Japanese Americans, regardless of their religious affiliations. These were really the responsibility of the Government agencies to handle. While it did so to some degree, these people came to us because of language handicaps and the security of dealing with one of their own kind.

Today, you see many Buddhist temples rebuilt. There are other temples which folded up because the people did not return to the same area; El Centro, Brawley, Vacaville, San Luis Obispo (part time ministry).

The war time condition has resulted in setting the Buddhist activities almost two generations behind. There is almost one generation gap created by a language barrier. The first ministerial student of English speaking capability did not take place until 1951 because the mechanics for such a program could not be established because of ~~the~~ lack of money, and some of the assets of the Buddhist Churches of America were frozen and lost because of foreign depositary.

I am now serving in an area which had no temple but was always a branch of the Los Angeles Diocese. Because of lack of ministers, North San Diego was served by a Japanese speaking minister on an availability basis. as the result, the Nisei in the area were deprived of any gahtering for themselves.

While we say religion is the choice of the people and that is the basis of religious freedom. However, when such practices are stymied because of governmental intervention by forced evacuation, forced concentration of ministers in an area away from their congregants, resulting in limited practice of the religious tenets, yet the government agencies asking of the religious groups to relinquish their facilities to do the work of these agencies without compensation do not appear as an equitable situation.

The Buddhist Education Program in the Buddhist churches of America is trying to get on its feet by finally establishing their own institution of Buddhist Studies to develope ministers here in the United States. The Isse are rapidly fading away They who were the builders of America in the Pacific Caost, the railways, the produce markets, the agricultural industry.

Are they not worthy of having part of their dreams fulfilled? Are they not deserving of some restitution for the wrongs? Are we not entitled to the share that the government was assisted for the things they should have done?

A. Arthur Takemoto
2430 Stevens Circle
Carlsbad, Ca 92008

Rev. A. Arthur Takemoto
2430 Stevens Circle
Carlsbad CA 92008

SACRAMENTO OFFICE
STATE CAPITOL, ROOM 4040
SACRAMENTO, CA 95814
(916) 445-5215

JEANETTE BURTON
ADMINISTRATIVE ASSISTANT

DISTRICT OFFICE
4401 CRENSHAW BLVD
SUITE 300
LOS ANGELES, CA 90043
(213) 295-6655

California State Senate

DIANE E. WATSON
TWENTY-EIGHTH SENATORIAL DISTRICT

CHAIRPERSON
Senate Committee on Health and Human Services

COMMITTEES
CHAIRPERSON
HEALTH AND HUMAN SERVICES
AND SUBCOMMITTEE
ON
INDIGENT HEALTH
CARE SERVICES

CHAIRPERSON
CALIFORNIA LEGISLATIVE
BLACK CAUCUS

BUSINESS AND
PROFESSIONS

EDUCATION

JUDICIARY

SELECT COMMITTEE ON
CITIZEN PARTICIPATION
IN GOVERNMENT

Honorable Theodore Stevens
U.S. Senator
Chairman
Subcommittee on Civil Service
  Post Office and General Services
601 Hart Building
Washington, D. C. 20510

STATEMENT ON CIVIL LIBERTIES ACT 1983
(HR 4110 and S 2116)

Mr. Chairman, thank you for the opportunity to express my support for the Civil Liberties Act of 1983 (HR 4110 and S 2116).

The World War II evacuation of 110,000 Americans of Japanese ancestry was a major unprecendented event in the history of democracy in the United States. It was at odds with the spirit of democracy and an unnecessary war measure. This precedent setting action was further troubling because of its relativity to all Americans. The American Civil Liberties Union has described this act as "the worst single wholesale violation of civil rights of American citizens in our history."

Understanding that it is long overdue, I am glad to see that in 1980 Congress enacted Public Law 96-317 which established a Commission on Wartime Relocation and Internment of Civilians, to study the World War II internment of Americans of Japanese ancestry and Aleut Islanders and to furnish recommendations for appropriate remedies. This Commission concluded that the internment was a grave violation of constitutional due process.

The 110,000 interned Americans of Japanese ancestry had no charges filed against them nor was any guilt ever attributed to them. This despicable act was not carried out by hysterical elected officials but was instituted and executed by the U.S. military with the mandate of both the executive and legislative branches of the federal government. The Commission found that these people were farmers, businessmen, teachers, housewives, and children - not spies, traitors, and secret agents. We must make immediate amends to rectify the wrongs that were committed.

S 2116 and HR 4110 accepts the Commission's findings as accurate, complete, and includes the five specific recommended remedies which are as follows:

- A formal apology by the government
- Pardons to the few individuals convicted of violating internment
- Applications for administrative relief be reviewed with "liberality" by the Administration
- A $1.5 billion trust fund be set up to finance educational, social, and humanitarian programs
- $20,000 payments out of the trust fund to each of the estimated 60,000 internment camp survivors

This legislation is of particular interest to me since 70% of the people affected by it reside in the State of California. The evacuees lost much more than the amounts allocated in this legislation. The Commission found that economic losses ran as high as $6.2 billion or an average of $180,000 per internee. These estimates are considered conservative by many.

The loss of an individual's freedom can never by measured adequately in financial terms but this legislation would repay about a sixth of the estimated losses and would make redress a reality. Redress would also serve as a reminder that our liberties must be protected and never again will any segment of Americans be betrayed.

PREPARED STATEMENT OF RAY YAMAMOTO

Route 1 Box 1376
Wapato, Washington 98951
August 17, 1984

Mr. Pat Phillips, Chief Clerk
Subcommittee on Civil Service, Post Office and General Services
601 Hart Senate Office Building
Washington, D. C. 20510

Re: Senate bill S. 2116

Dear Sir:

I have been informed by Senator Ted Stevens that I may submit a written statement regarding S. 2116 by August 20, 1984 and it will become my contribution to the record. The White House has already indicated opposition to any financial renumeration for abrogation of my civil rights, but it is a matter like voting. If I do not vote, I should have no complaints because I did not try.

Even if the White House is opposed and will veto any financial award for incarceration, unreasonable detention and threat of deportation for my 91 year old mother, my statement follows:

My name is Ray Yamamoto. I am 70 years old and a native born American citizen. I was 28 years old when President Roosevelt signed Executive Order 9066. I was born and raised in Fife, near the city of Tacoma, Pierce County, State of Washington, a part of what was to have been the Puyallup Indian Reservation. I resided in California for four years while attending Stanford University, 1932-36. Vacation periods were spent working on the farms in Fife or Wapato, Yakima County, in the state of Washington.

I began to learn early the meaning of "second and third class citizenship" though I was seldom the victim of harsh treatment.

My benefactor had an Irish housekeeper named Miss Hayes who had two brothers. One brother was the manager of the Pantages Theatres in Seattle and Tacoma, considered the elite vaudeville showhouses in the two cities. The mentally injured brother, Hayes, World War I vetern, lived part of the time in Fife with his housekeeper sister at the home of my benefactor. Hayes never paid for his admission nor mine at the theatre, because the ushers knew him. The first time I attended, the usher tried to send me upstairs to the balcony; Hayes said,"No !" He always sat in the last row of the main floor and the usher found me a seat closer to the front, but visible to Hayes. This is when I learned there was a "nigger heaven" for blacks, orientals and Indians in the seating arrangements in elite theatres. I was 14 years old.

When the aircraft carrier, the U.S.S. Lexington, was docked in Tacoma in 1928 to produce electricity for the city during a drouth, the ship was open to few select visitors. My friend, Gene Williams, was a younger brother to the Williams Brothers who furnished much of the fresh food for the Lexington crew mess. Gene invited me to go look at the Lexington with another friend. I was 16 years old at the time. When we climbed the gangplank to meet the Chief Petty Officer who knew Gene, the CPO told Gene "not today", because you have a Jap boy with you." That was the day I learned the U.S. Navy was white; Filipinos were tolerated to serve in the galleys.

As high school years came on, my Indian neighbor-friend mentioned that he would be tribal chief if it were not for the presence of the whites, because his father was chief of the Puyallup tribe.

No Puyallup tribal reservation existed, because Puyallup tribe members were assigned allotments on the Yakima Indian Reservation, 150 miles away. My friend, Henry, was bare of heritage and even other rights which were denied Indians at that time.

It was the good fortune for my family to know very well, two doctors and their wives. Mrs. Robb had no children so she voluntarily very much adopted us five Yamamoto youngsters as her family. She came on the bus weekly to teach us music for several years; kept house for us while my parents took a four-month trip to Japan.

Mrs. McCreery was a Stanford alumnus, got me admitted to Stanford though I was not a top scholar in a class of 30 graduating seniors at Fife High School. Thanks to a legacy from my Irish benefactor, I was not deprived and did not have to work in outside jobs while attending Stanford in spite of the deep economic depression. I managed to earn a B.A. degree in Economics.
I was exposed to a wealth of activities, subjects including minorities, war, socio-economics, attended many institutes, seminars and conferences and was given access to numerous publications and pamphlets not generally available to the public. My academis work suffered neglect, but the realities I learned probably enabled me to sustain my mental equilibrium in spite of Executive Order 9066.

High points of my experiences:

a. A Japan-America student conference was held on the Stanford campus during the summer of 1935. It was requested by Waseda and Doshisha University students from Japan. We hosted the conference with the University of California students participating. My group session which I chaired came to the conclusion that eventually there would be war between the United States and Japan, because the growth of military-industrial complex in Japan and the inability of the United States to solve its internal socio-economic problems, would increase barriers in trade. Our faculty advisor, Hobart Young, was very perturbed when we published a report of our conference.

I joined a study group on World War I and the involvment of the military-industrial groups in European politics as revealed by Senator Nye. The campus YWCA sponsored the study under the direction of Mrs. Lamson, the executive secretary. She was murdered in her home on campus, an unsolved crime. I have suspected a graduate student visitor from England via Columbia University. (Today I would identify him as a Stalinist, a similar type of student appeared at the University of Minnesota during my employment there, 1943-45.)

b. In 1938, I was a precinct committeeman and a delegate to the Pierce County Democratic convention. A delegate from the backwoods area of the county introduced a resolution recommending deportaion of all persons of Japanese ancestry to Japan. It was seconded by another hinterland delegate. Bill Gallivan from Tacoma expounded an outstanding talk stating that we are all foreigners by origin except the native Indians. The resolution was defeated. Head count defeated the motion. Ruben Knoblack of Sumner who later became a state legislator, urged those delegates representing the Puyallup Valley area to stand up and be counted when vote against the motion was asked.

c. I functioned entirely on the assumption that war between the United States and Japan was inevitable.

Noteworthy incidents during the period:

1. My mother and sister, Edith, visited Japan in 1940. I urged them to return home due to eminence of war. My mother returned in July, 1940 bringing back with her a kibei (American-born, educated in Japan person) lad born on our farm in Fife 18 years earlier. His father begged my mother to take his son back to the United States, because he was soon to be drafted into the Japanese army. My sister, Edith, returned home, July, 1941.

2. I visited an adult Broadway High School evening class in Seattle with Prof. Frank Williston of the College of Puget Sound faculty in late November, 1941. He was teaching a weekly class in Far Eastern studies. On the drive to Seattle, we discussed the eminence of war. Toward the end of his lecture at the class, he mentioned the definite possibility of military hostility between the United States and Japan soon. At least one person or perhaps more made decisions according to Prof. Williston's prediction; the earnestness of the questioning of Williston by the individuals after the lecture was very noticeable.

3. The Japanese Association of the Seattle community with the support of other community leaders around Puget Sound sponsored a farmers' meeting for young farmers of Japanese ancestry on November 15, 1941. Thanks to the Freedom of Information Act, I was able to get all the names of guests, place, etc. from the Justice Department files; I was one of the arrangers for the conference.

At the banquet after the entertainment provided by a prominent young vocalist of Japanese ancestry, I thanked the County Extension Agents, the Washington State College agronomists , and men from the Western Washington Experiment Station for their participation. I urged fellow nisei farmers to do their best, using the expert information given us, because the burden of being in the community was going to be extreme due to war clouds hovering over us.

Discussion within the Yamamoto family about war was frequent. I predicted arrest of my father and incarceration in Montana or near environs. He was arrested early in the evening of December 7, 1941 by FBI agent Wilson and three deputies few hours after he had come home from fishing for red snappers and cods in Commencement Bay. He was held incommunicado until I heard from him from Fort Missoula, Montana. Our pre-war discussions about citizenship and alien status must have helped him tolerate incarceration. He was no doubt impressed by his Fort Missoula inmates that included men like Michio Ito, world renouwned ballet performer.

The conditions were terrible for them in Fort Missoula until

the International Red Cross was requested to investigate. My father was a restaurant operator in Tacoma, so he organized the kitchen. Ito naturally taught the dance for recreation.
A civilian tribunal of three caucasian men conducted hearings for all the hostages in Fort Missoula. My father was"freed" by the tribunal in late June, 1942 and joined my mother and three of us children who were incarcerated in the W.C.C.A. Puyallup Assembly Center.
Some aliens who had no families in the United States chose to go to Japan on the Swedish S. S. Gripsholm.
(In the Justice Department file received under the Freedom of Information Act, my father's "freedom order" is recorded by the Justice Department stating the tribunal's judgment was in error; this individual should be interned.) copy attached.

From December 7, 1941 on, to function reasonably and not panic was very hectic. I found that the Justice Department was listening to all conversations on my telephone line. My father had been a volunteer ombudsman. He had helped a family friend start a restaurant. Few days after December 7, 1941, this friend phoned and my mother answered the phone. He explained that he could not conduct business, because federal executive order practically disabled conduct of business for aliens. The conversation was in the Japanese language; so the FBI agent immediately went or dispatched some deputy to the friend's restaurant. The wretched man was completely intimidated and phoned my mother after he had regained his shaky composure telling her what had happened.
When I learned what had taken place, I phoned the FBI immediately

and identified myself and asked "what the hell they were doing tapping my telephone and what the hell did they want to know !" The federal agent must have been completely non-plussed and flabbergasted; he mumbled and stuttered for several seconds and before he could regain his composure, I asked where my father was being held, because I had not heard from him since December 7, when Agent Wilson took him away. When the agent on the phone finally regained some of his composure, he explained that it was his job to get information about Yamamoto and I told him Yamamoto was a very common name among Japanese people and the most prominent locally in the Puget Sound area was a professional gambler. He is probably in Japan, because an ad hoc Japanese committee asked him to return to Japan, naturally with gratuities, in the best interest of the Japanese community.

I began to realize that the authorities and much of the bureaucracy who deal with enemy aliens were becoming extremely paranoidal. The harrassment of Japanese people in California was becoming much like the early treatment of the Jews and liberals in Germany and Poland during the early years of World War II prior to December 7, 1941.

The Puyallup Valley chapter of the Japanese American Citizens League of which I was a member generally held their meetings in the Fife Japanese Language School building which I owned. The early 1942 meeting was held in the study hall of the public Fife High School building to avoid possible public racial criticism. The meeting was called to decide what procedure to follow, because our alien parents had to register under the hurried federal executive order requiring enemy alien registration. One member proposed that we open an office with a telephone to help with the alien registration and facilitate clearance of information. I earnestly opposed such expenditure of our resources, a few of our fathers had already been arrested and held incommunicado by the Justice Department, and there is a definite possibility that we would all be removed. There was mumbling among the members present that the federal government would not remove American citizens. My critical warning prevailed although there was much grumbling.

After evacuation orders of the coastal areas of the western United States were issued by the Western Defense Command under Executive Order 9066, I decided that my immediate family should move to Wapato, 150 miles inland in the state of Washington. The house on the Wapato farm was small but livable and had two large outbuildings in which relatives could stay until more suitable quarters could be found or established. In preparation for voluntary evacuation, I drove to Wapato several times. On the main highway through the Cascade Mountains, I saw several voluntary evacuees heading east; some I recognized.

I gave up and stopped running when evacuation was announced for eastern Washington to the west shores of the Columbia River; it included Wapato, 50 miles inside the big bend in the Columbia River.

When registration for evacuation was announced, my brother, George, and I decided that it would be stupid for both of us to go through evacuation so he did not register. He helped pack and store household items with friends and buried silverware and Japanese chinaware in a steel barrel several feet in the ground. My brother voluntarily without legal permission drove back to reregister at Washington State College to complete his senior year. He took a pickup truck and drove to Pullman accompanied by a close caucasian friend who offered to go with him. I had my sister, Edith, registered as the head of the family on the evacuation roster, because I had hoped to evacuate voluntarily even if I was registered. I was quite sure my father would be "freed." Using the excuse of "seeing the tenant come to the house", I remained at home waiting for the mail from Fort Missoula, Montana.

I rode to the W.C.C.A. Puyallup Assembly Center with my uncle's family on his truck driven by a caucasian neighbor. I was supposed to be housed in the main Western Washington Fair grounds with my mother and two sisters. I got off the truck at the main gate and uncle's family went to another area where temporary shacks were built on the grass of the Fairground parking lots. It took the W.C.C.A. office thirty minutes to find that I was supposed to be there. I sat on my suitcase waiting those minutes outside the gate with the oddest, most indecisive feeling of my life.

My father's "freedom" came a few weeks later and he joined us in the Puyallup Assembly Center.

The caucasian family that "adopted" my father when he was a schoolboy in Tacoma forty years earlier, 1902, was granted permission by the Western Defense Command to drive into the Fairgrounds inside the main gate to visit my father for several hours, for which I am very grateful, because the elderly caucasian couple did not survive World War II and my father died in Washington, D. C. on January 25, 1945.

If my father was "freed" soon enough for me to voluntarily evacuate as I had planned, my life might have been a disaster. I learned through the Freedom of Information Act, August, 1979, that I was on a "blacklist" in the Office of the Provost Marshal General.

My ability to predict evacuation, incarceration and possible annihilation was a result of simple academic accident. There was a required freshman course at Stanford called History of Western Civilization,(1932-33.) The Department heads or the most effective lecturers of history, sociology, political science, philosophy and economics gave a lecture on Monday mornings to the freshman class in Assembly hall and Wednesday and Friday classes were devoted to study and discussion led by Ph. D. candidates and aspiring assistants.
The study was full of war, social unrest and injustice, incarceration, segregation, separation and annihilation. Described were the imposition by the winner or the majority on the loser or the minority, all the indignities known to mankind. The most recent close or familiar events were the banishment of the French by the English in Canada, the creation of the American Indian reservations, and the long struggle of the black against slavery before the existence of the United States. Less publicized but known recent event in our history was the disposition of the Chinese "coolies" after they were no longer needed in the construction of the railroads across the nation. This Chinese incident in our history is probably the kind of activity the

recent Wall Street Journal of July 31, 1984 editorial speaks of so clearly regarding the recent Olympic games; "incarceration, brutalization, and killing free individuals is lawlessness." The implication is apparent that the United States does not act in such abhorring ways. The Wall Street Journal of June 23, 1983 editorial implies that actions taken by the United States government under Executive Order 9066 may have been distorted by "war hysteria" or even racial prejudice.

Every succeeding occasion John J. McCloy testifies, the ghosts of Himmler, Goering, et al,loom larger and more distinct. The recent federal trials of Korematsu, Yasui and Hirabayashi (vacated by the Justice Department) reveal that the Justice department deliberately concealed testimony and written statements of false charges during the 1942-45 trials.

I believe it is imperative that we "rake over old guilts", to reveal how responsible power structures are manipulated by "carpetbaggers and vultures."

The Japanese immigrants came as seekers; the wives followed and families came into being. The Japanese kept seeking more and greater opportunities in a large, expansive country. They refused to "stay in their place." I recall travelling the small towns of the San Joaquin valley of California during my years at Stanford, 1932-36. The Mexicans, Japanese and the Chinese lived on one side of the railroad track "in their place" and the caucasians lived on the other side of the track. The Japanese youngsters were earning much more than their "fair share" of the academic honors and scholarships. In spite of sparse knowledge of the

English language, the parents promoted education and even established private Japanese language school to promote bilingualism, competency in both languages.

The establishment (caucasian) lumped all non-whites, in laws, covenants, regulations, etc. to "keep them in their place." The aggressive seekers among the Japanese made necessary for the establishment (caucasian) to pass special laws outlawing non-citizens ineligible for naturalized United States citizenship to engage in such activites as owning land, entering specific professions, etc.

By December, 1941, many of the American citizens of Japanese ancestry were becoming adults eligible for full participation. Scores of escheat tragedies occurred during evacuation and incarceration under Executive Order 9066. State and local laws provided that ineligible aliens could not buy, transact or conduct business in the name of their United States citizen children. The courts had interpreted the procedure as by-passing the intent of the law which was promulgated to prevent Japanese aliens from becoming full participants in the community.
My father was a Japanese alien ineligible for citizenship or to own real property, but his relationship with our Irish landlord benefactor was extremely good, so that in order to by-pass the law, the Irishman granted me an American citizen outright title to property, etc. via quit claim deeds. The balance of the estate was bequeathed to distant relatives in Ireland.

War hysteria provided the opportunity for the establishment (caucasian) to evacuate, incarcerate, etc. all the Japanese, Aleuts, and Japanese from Peru, S.A.

Chapter V entitled "Japanese Evacuation From the West Coast" is very interesting reading. It is part of military history written by Conn, Engelman and Fairchild stating that on 26 December 1941 Maj. General Allen W. Gullion, the Provost Marshal General, remarked to General DeWitt that he had just been visited by the representative of the Los Angeles Chamber of Commerce, who asked for a roundup of all Japanese in the Los Angeles area." There was much vacillating and uneasiness by some of the military about total evacuation of Japanese by the military. The politicians won, helped by the jingoistic press and other media.

I lived in the W.C.C.A. and W.R.A. camps approximately 18 months in 1942-43 working inside the guarded camps at wages of twelve, sixteen, and nineteen dollars per month.
When I relocated to Minneapolis, Minnesota, I had great difficulty getting employment, because I could not get "clearance." I believe Miss Punderson, the employment officer at the University of Minnesota obtained the job for me in the Dean of Students office, because she happened to be a friend of my sister, Katherine. I believe Miss Punderson stretched the interpretation of "may not be employed in plants and facilities important to the war effort." Miss Punderson informed me she was having difficulty getting clearance for me when I was already working in the Dean of Students office.

When the Vietnam War led to Congressional passage of the Freedom of Information Act, I started requesting information from the General Services Administration for my War Relocation Authority file. This file showed a copy from the Office of the Provost

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Marshal General stating:

> The Office of the Provost Marshal General does object to the employment of this individual at this time in plants and facilities important to the war effort.

Pursuing further for information, I eventually received from the

DEPARTMENT OF THE ARMY
U. S. ARMY INTELLIGENCE AND SECURITY COMMAND
FORT GEORGE G. MEADE, MARYLAND 20755

a sanitized copy of a confidential report issued by

Headquarter
Seattle Port of Embarkation
Office of the Port Commander
1519 South Alaskan Way
Seattle, Washington

SUBJECT: Report "Key" Japanese in Kent, Washington
(copy attached)

I found I was listed as one of the "King Pin Japs" with many of my friends who are living or deceased. I had been followed by the Justice Department to Minneapolis, because a man identifying himself as a security officer of the Minneapolis Police Department came to interview me as a "King Pin Jap." I found a field office copy instructing the St. Paul field office of my presence, address, in Minneapolis.

I know well most of the persons listed as "King Pin Japs." Allegations of the unidentified informer are totally false. I am sure all are or were exemplarily loyal to the United States; at least seven are deceased.

My "gut" feeling about the present administration and the White House is they are playing "cute." Delay and attrition will bury the gross abrogation of civil rights of United States citizens and foreign persons under Executive Order 9066.

I desire enabling legislation be passed extending the statute of limitations for all persons who were victims of Executive Order 9066 signed by President Roosevelt and approved by Justices Frankfurter, Douglas, Black, et al. This legislation would make possible for me to get the names of persons (probably deceased) who falsely accused my father of being an agent for an unknown Lt. Commander of the Japanese Navy, to erase the "blacklisting" of us, both father and I.

I want permission to go through the federal court system for abrogation of my total civil rights, of false accusations by the U. S. Army and the Justice Department. I know the five-letter sanitized name-person in the March 9, 1942 Port of Embarkation report (copy attached.) He died several years ago. After returning to civilian life fram U. S. Army service in Japan, my brother, George, asked the five-lettered man why was such an s.o.b. and the fivelettered man replied that if you want anything in this country you do it. With full information of the names and special extension of statute of limitations, I can prove through the courts how avaricious individuals manipulate the highest placed bureaucrats like John J. McCloy who begin to look more and more like ghosts of Himmler, Goering, et al.

I budgetary terms, financial redress for abrogation of civil rights under Executive Order 9066 will be and is being reduce rapidly. Two close friend had died recently and three are seriously ill.

Thanks to Sen. Stevens for informing me that Aug. 20th is the deadline for submitting written statements to the Committee. I hope he is able to help the Aleuts. The few who were in the WRA concentration camp in Minidoka, Idaho with me were totally "lost". They had no identity or status as a person. In the least, the ethnic Japanese were "enemies" through the eyes of John J. McCloy, Karl Bendetsen, et al placed there for safekeeping until disposition was made of their bodies.

Even if monetary redress is awarded under S. 2116, there will be just a transfer of funds for many are now totally indigent, in nursing homes and hospitals.

I personally prefer extension of statute of limitations soon so that I can prove the total falsity of charges leading to my incarceration. To me, as a socio-political matter, it is very important that we expose how the opportunists like the blank five-letter named person had avaricious motives and used unacceptable procedures to destroy the law. Paranoidal bureaucrats aided the lawlessness that became quite acceptable to the elite of that period. (copy of editorial re Prof. Irons in the Yakima Herald Republic, Dec. 26, 1983)

Sincerely yours,

Ray Yamamoto

Ray Yamamoto

Submitted by certified mail August 20, 1984

Federal Bureau of Investigation
United States Department of Justice

Seattle, Washington
March 5, 1942

[redacted]

a D released 6/17/42

[redacted]

Director
Federal Bureau of Investigation
Washington, D. C.

Re: KAY KICHIGORO YAMAMOTO
INTERNAL SECURITY - J
ALIEN ENEMY CONTROL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

Dear Sir:

The subject of the captioned case appeared before the alien enemy hearing board of Seattle, Washington at Missoula, Montana on February 6, 1942. The board recommended his release and the United States Attorney at Seattle, Washington indicated that he would concur with the board's recommendation. The facts of this matter are as follows:(U)

KAY KICHIGORO YAMAMOTO is 54 years of age and a Japanese national. He entered the United States in 1902 and he has made five trips to Japan, the last one having been in 1927. He is a retired farmer residing at Route 2, Box 657, Tacoma, Washington. His wife and five children live with him. His eldest son is 28 years of age and he has a son 21 years old attending the Washington State College. Subject also has two brothers and a sister residing in Tacoma. He has one brother and a sister living in Japan. He stated that he had no military service in Japan and he said that he has no religion. YAMAMOTO was taken into custody because Confidential Informant [redacted] advised this office that on January 13, 1936 literature addressed to him was found in the automobile owned by Lieutenant Commander SHIGERU FUJII of the Japanese Navy. At that time FUJII is known to have been in the United States engaged in espionage activities. FUJII's automobile was also observed at YAMAMOTO's farm on several occasions.

[redacted]

During the year 1940 YAMAMOTO was vice-President of the Japanese Association at Fife, Washington. He has been very active in the Japanese Community at Fife and has contributed considerably to the Japanese language school there.(U)

During the course of the hearing YAMAMOTO denied that he ever had contact with Lieutenant Commander SHIGERU FUJII and stated

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that he had never heard of this individual. His statements in this regard impressed the board as truthful and the board was of the opinion that YAMAMOTO's reported connection with FUJII was erred. (J)

In view of the fact that this Japanese was somewhat of a leader in the Japanese community where he resides, and since there is reasonable suspicion that he was in contact with the Japanese Naval Intelligence Officer, it is believed that the board erred in recommending his release and that he should have been interned. (J)

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Insufficient [illegible]

Very truly yours,

H. B. Fletcher
H. B. FLETCHER
Special Agent in Charge

RLF:bl
100-1535

~~CONFIDENTIAL~~

Headquarters
Seattle Port of Embarkation
Office of the Port Commander
1519 South Alaskan Way
Seattle, Washington

March 9, 1942

SUBJECT: Report "Key" Japanese in Kent, Washington.

TO: Seattle Branch, A. C. of S. G-2, Western Defense Command & Fourth Army, 837 Dexter Horton Bldg., Seattle, Washington.

5USC 552 (b)(7)(D)

1. Following is a list of Japanese turned into this agent by [redacted] They are reported "King Pin Japs", whom other Japs make reports and receive orders from. [redacted] has lived with these Japs for years and is considered a competent authority on the Jap situation around Kent.

2. The list is as follows:

Geo. Yasumura, Rt #2, Auburn (Sumner Packing) Interned, Cal.
C. Matsuhara, 622 W. Main, Auburn (Fertilizer)
Roy Yamamoto, Rt #1, Tacoma, c/o McClur Gardens
✓ S. Matsuno, Rt #2, Box 53, Kent, Wash.
des. Y. Yamagiwa, Rt #2, Box 53, Kent, Wash.
✓ Frank Ukimoto, Orillia, Wash.
Joe Ukimoto, Orillia, Wash.
des. ✓ James Matsuoka, Rt #2, Kent, Wash.
James Watanabe, Rt #2, Kent, Wash. (A. D. Produce)
des. Chicago Geo. W. Ikegami, 425 Harrison St., Kent, (A. D. Produce)
The A. D. Produce Company is incorporated for about a million dollars and these two men are military men.
des – T. Takahira, c/o Puget Sound Produce, Sumner, Wash.
✓ Charles Ikeda, Kent, Wash.
des N. Tamura, Kent, Wash.
des Chas. Nagati (Formerly lived at Rt #2, Kent)
G. Nakasige, Kent valley

ADED UNCLASSIFIED
DEC 14 1979
EP CDR USAINSCOM FOI/PO
t Para 1-603 DOD 5200

100-6902-985

MAR 1 1942

PORT INTELLIGENCE OFFICE
MAR 9 1942
SEATTLE PORT OF EMBARKATION
I.O.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Headquarters
Seattle Port of Embarkation
Office of the Port Commander
1519 South Alaskan Way
Seattle, Washington

Page 2 March 9, 1942

3. This list is submitted to be distributed as your office sees fit. Previous reports from this informant have been turned directly into F.B.I.

[illegible] Johnson
[illegible] JOHNSON
Major, Cavalry
Port Intelligence Officer

Informant: [✓ Reliable] Unreliable Questionable Undetermined

Information: [✓ Reliable] Unreliable Questionable Undetermined

GRADED UNCLASSIFIED
DEC 14 1979
DEP CDR USAINSCOM FOI/PO
TH Para 1-603 DOD 5200

100-6902-985

~~[illegible] 1942
SEATTLE, WASHINGTON~~

~~CONFIDENTIAL~~

OFFICE OF THE PROVOST MARSHAL GENERAL
Japanese-American Section

YAMAMOTO, RAY
23650
MIN.
M
11/15/13

SUMMARY AND REPORT

(Male Citizen Form)

Occupation: Manager

11. Relatives in U.S. Mil. Service.....(—)
12. Entire education in U.S........(X)
16. Christian........................(X)
17. J.A.C.L..........................(X)
Boy Scouts of America.............(—)
Y.M.C.A..........(—)
K of C, Mason, Rotarian, other Nat'l Fraternity or Club........(—)
25. Japanese birth record cancelled or cancellation pending......(—)
27. Yes.....(X) No.....( )
28. Yes.....(X) No.....( )
F.B.I. NO RECORD
O.N.I. RECORD ATTACHED
W.D.C. RECORD ATTACHED
W.R.A. NO RECORD

The Office of The Provost Marshal General does ~~not~~ object to the employment of this individual at this time in plants and facilities important to the war effort.

For The Provost Marshal General: BOH

Remarks:

11. Father interned......................(—)
12. Immediate relatives in Japan...(—)
13. Gunji Kyoren........................(—)
____ years in school in Japan..(—)
7 years in Jap. language school in U.S..................(X)
Post-graduate work in Japan.....(—)
14. Travelled to Japan ____ times.......(—)
Travelled for foreign interests ____ years..........(—)
Resided in Japan ____ years.........(—)
15. Employed by Jap. Govt. Agency..(—)
Employed by steamship line
Occ. ____(—)
Employed by listed firm
____(—)
Jap. Language School Instr.........(—)
16. Shintoist.........................(—)
Buddhist or other Oriental.........(—)
17. Member of a listed organization ____(—)
Member of a Kibei Club...........(—)
18. Japanese language proficiency:
None..(—) Fair..(—) Good.....(—)
26. Repatriation requested; or intends to repatriate............(—)

....

The Joint Board, having considered this case on the facts available to it on this date, has taken the following action:

1. It Recommends in favor of the granting of indefinite leave at this time.
2. This individual may not be employed in plants and facilities important to the war effort for the present.

For the Joint Board:

Per: John M. Hall

Date AUG 20 1943

PMGO: J-A 2

YAMAMOTO, Ray
Minidoka Relocation Project
Eden, Idaho

A federal investigative report dated June 17, 1942 states that Kichigoro "Kay" YAMAMOTO, subject's father, was a member of the Japanese Association of Fife, Washington, and a contributor to the Japanese Language School at Fife. A report dated July 3, 1942 states that Kichigoro Kay YAMAMOTO was ordered released on June 17, 1942.

~~CONFIDENTIAL~~

May 13, 1943 he

Yakima Herald-Republic
a daily part of your life.

Dec., 26, 1983

James E. Barnett .... Publisher
L. Don Coleman .... Editor
Bill Lee .... Editorial Page Editor
Spencer Hatton .... City Editor
Dick Rice .... Production Director
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Jack McAfee .... Financial Director
Pat Carey .... Advertising Director
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Editorials

Internment was a bitter lesson

Peter Irons has written a book, "Justice at War: The Story of the Japanese American Internment Cases," which tells how justice became injustice in the panic of World War II and names those responsible.

Irons is an assistant professor of political science at the University of California, San Diego.

His work is a detailed examination of the workings of the governmental and judicial mechanisms which resulted in the wrongful imprisonment of 110,000 Japanese Americans, both U.S. citizens and aliens, and the detention of most of them until after the 1944 presidential election.

It is a sorry story, but one that needed to be told. Some Americans believe the internment was proper. Others believe it was so improper that it could never happen again. Both groups are wrong.

The particular service performed by Professor Irons is to show that the internment was not the work of a few panic-stricken military officers but that it was supported and carried out by many civilians who should have known better.

Among the liberal and moderate individuals and organizations assenting were Walter Lippmann, Earl Warren, Robert Kenny, Henry Stimson, Francis Biddle, Joseph Rauh, Hugo Black, Felix Frankfurter, William O. Douglas, the American Civil Liberties Union and the National Lawyers Guild. The enforcement bill was passed by the Democratic Congress in one day without recorded dissent. The only objection came from Sen. Robert Taft, the conservative Ohio Republican.

President Franklin D. Roosevelt gave the initial approval and continued the detention for long after the fear of a Japanese invasion of the West Coast had faded. The reason for his delay was clearly political. In June 1944, he rejected the recommendation of the Pentagon that "military necessity" no longer required internment or the exclusion of the Japanese Americans from their West Coast homes. But the president said he didn't want to stir up the Californians. He won re-election to a fourth term on Nov. 7 and the Democrats picked up four seats in California. On Dec. 17, the evacuation and internment orders were rescinded, and the Japanese began returning to the Golden State.

The next day, Dec. 18, the U.S. Supreme Court issued its final opinions on the constitutionality of the evacuation and internment orders in two cases. The court upheld the evacuation but struck down continued detention.

The timing of the withdrawal of the internment order, only a day before it was nullified by the court, appeared to be the result of inside knowledge of the court's timetable.

It was, writes Irons, "a cruel and unnecessary civics lesson in the power of politics to dictate military and

judicial decisions

Law

Bad Landmark

Righting a racial wrong

Fred Korematsu was a name that had lived in constitutional infamy. The Oakland-born steel welder refused to obey a 1942 military order banning all people of Japanese ancestry from San Leandro, Calif. As a result, he was called a "Jap spy" in a newspaper headline, sentenced to five years' probation and removed to a detention camp. The U.S. Supreme Court upheld his conviction and the evacuation order, thereby enshrining his name as a legal landmark. Later, when many began to question the internment of 100,000 Japanese-American citizens, *Korematsu* vs. *United States* was known to jurists as a rare case in which the Supreme Court upheld the singling out of a racial minority for adverse treatment.

Last week, however, Korematsu was finally and formally cleared when a federal judge in California threw out his conviction. Korematsu had gone back to court early this year to argue that the Government had made false statements in support of the evacuation. His new case rested in part on materials obtained through the Freedom of Information Act by Peter Irons, a political scientist at the University of California at San Diego. In one such document, FBI Director J. Edgar Hoover stated that he could find no evidence to support the War Department's contention that West Coast Japanese were signaling Japanese warships off the coast.

The Justice Department did not acknowledge any Government misconduct, but decided against fighting the case on the ground that the evacuation program was "an unfortunate episode in our nation's history" that would best be "put behind us." U.S. District Judge Marilyn Patel pronounced the Government's mealymouthed statement "tantamount to a confession of error." She added that the Supreme Court's decision was "based on unsubstantiated facts, distortions and misrepresentations."

Nevertheless, the Supreme Court precedent created by Korematsu's case remains the law of the land. Ironically, Justice Hugo Black's majority opinion, which stated for the first time that racial classifications were constitutionally "suspect," helped establish a foundation for decisions striking down racial discrimination. But Black also found that "pressing public necessity may sometimes justify" restrictions on racial groups. That is worrisome, says Stanford Constitutional Scholar Gerald Gunther. "The unsettling aspects of *Korematsu* are not removed by the fact that 40 years later someone can say that it shouldn't have happened."

As for Korematsu, 63, he is now an Oakland draftsman and is "very pleased and satisfied with the ruling. I don't have a criminal record any more." Why had he not sought a pardon to erase that record? "If anyone should do any pardoning," he said quietly, "I should be the one pardoning the Government for what they did to the Japanese-American people." ■

ROSE—S.F. CHRONICLE

Korematsu 40 years later

Internment by "misrepresentation."

Lawyer Mocking

The sky may not be blue

So you want to be a lawyer? Well, D. Robert White Esq. has some advice for you. White, 30, is the author of *The Official Lawyer's Handbook*, but you can bet your convertible debentures that this volume of dos and don'ts will not win an award from the American Bar Association. Lawyers, according to White, are an avaricious bunch of dull drudges who want to do you out of your life savings. One might give careful consideration to pleading guilty and going to prison before hiring one, White suggests. Is he serious? A little. *The Official Lawyer's Handbook* (Simon & Schuster; $5.95), published this month, is a book of cutting humor that purports to "tell all" about law schools and law firms in the same way that *The Official Preppy Handbook* tells all about pink and green alligators.

White, who for three years was a junior associate in the mines of Hogan & Hartson, a major Washington, D.C., firm, lampoons and lambastes everyone connected with the legal profession, from starters to partners. For students worried about the bar exam, he has a chapter subtitled "Thousands of Morons Have Passed It—So Can You." There is a section exploring the compulsion for obscurity and obfuscation. The rule is: "If a layman can read a document from beginning to end without falling asleep, it needs work." Simple, di-

TIME, NOVEMBER 21, 1983

[illegible]

Two courtroom "shots" of witnesses testifying in federal court in Angeles in the espionage trial of Harry Thompson, charged with ng naval secrets to an officer in the imperial Japanese navy. Right: d Ono, a waitress, is shown testifying for the government in the of Harry Thompson. Below: Ray Yamamoto (right) of Tacoma, ford university student, is identifying a photograph of Lt. Commdr. Miyazaki, of the Japanese navy, indicted with Thompson, for nt U. S. District Attorney Howell Purdue. Thompson was found —Associated Press Photo.

STANFORD GRADUATE SOUGHT BY DEPUTY; WITNESS IN SPY CASE

Tacoma, June 30—Ray Yamamoto, prominent Fife farmer, who had recently returned home after graduating from Stanford University was being sought yesterday afternoon by H. C. Decline, U. S. Marshall, who had a subpoena summoning Yamamoto to appear as a witness in the conspiracy [illegible] in Los Angeles in which Harry [illegible] to go on trial

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TUESDAY, JUNE 30, 1936

[illegible]

Fife Rancher Was in College With Japanese Fugitive

Ray Yamamoto, Fife rancher and Stanford university graduate, was en route Monday to Los Angeles under federal subpoena to testify in the sensational spy case in which a former naval officer is accused of selling military secrets to a Japanese naval officer.

Yamamoto left immediately after being served with a summons. He declared that his subpoena as a government witness was not altogether a surprise as he had known Toshio Myazaki, the alleged lieutenant commander of the Japanese navy who is a fugitive in the spy case, while at Stanford.

"I had nothing to do with Myazaki except to take his board and room money," explained Yamamoto, who was student manager of the university Japanese club when Myazaki was a student at Stanford.

DGER, TUESDAY, JUNE

TACOMAN SPY CASE WITNESS

Ray Yamamoto on Way South to Testify

California's sensational spy case, in which a former naval chief petty officer is accused of selling military secrets to a Japanese naval officer, had an echo in Tacoma Monday with the service of a subpoena on Ray Yamamoto, Stanford university graduate, on a ranch near Fife.

Yamamoto left immediately for Los Angeles, where Harry Thomas Thompson, the former naval man, is to go on trial in federal court. Yamamoto is wanted as a government witness and was served with the papers Monday afternoon.

He told officers here he had expected to be called, but said he knew of nothing that would assist the government. He was student manager of the Japanese club at Stanford when Toshio Myazaki, the alleged lieutenant commander of the Imperial Japanese navy, was a ersident there.

"I had nothing to do with Myazaki except to take his board and room money," Yamamoto said yesterday.

Myazaki, indicted with the former American naval man, is a fugitive. It is believed that he has returned to Japan.

Fife Nisei Called As State Witness At Thompson Trial

TACOMA, Wash., July 1.—(Special).—Ray Yamamoto, prominent Fife youth and graduate of Stanford University a few weeks ago, was served early this week by H. C. Deline, deputy United States marshal, with a subpoena summoning him to appear as a state's witness at the trial of Harry Thompson at Los Angeles.

Other government witnesses besides Yamamoto include a San Francisco Japanese, Lieutenant Herbert E. LeBarron, commanding CCC camps at Red Valley, Colorado, and Edward E. Hoff of the immigration office at Angel's Island, San Francisco.

Yamamoto returned to the Northwest only three weeks ago following graduation exercises at Stanford U.

S.F. Japanese Is State Witness

Fife Man To Be Witness In 'Spy' Trial

Wanted as a witness in California's latest sensational spy case, Ray Yamamoto, Stanford graduate, was subpoenaed on a ranch near Fife Monday, and a few [illegible] later he was on his way to [illegible] Angeles. The case involves Harry Thomas Thompson, former naval chief petty officer, who is accused of selling military secrets to [illegible] Japanese naval officer.

As student man[illegible] of the Japanese club at [illegible] [illegible] became [illegible] Myazaki, the all[illegible] commander of the [illegible] anese navy, who [illegible] Thompson, is now [illegible] Fife man told [illegible]

PREPARED STATEMENT OF ARNOLD RIKIO YOSHIZAWA

I, Arnold Rikio Yoshizawa, W.R.A. Serial #10680-E, was born in Los Angeles, California and attended Maryknoll School until it closed soon after December 7, 1941.

On the night of December 7, 1941, my father was arrested by three F.B.I. agents and taken to the L.A. County Jail. From there, he was transferred to Tuna Canyon and then to Fort Missoula, Montana. He was guilty of no crime. Orphaned at an early age, he lived in Japan until he, like millions of men throughout the world, was drafted into the Army. After his discharge, he applied and received entry into the United States in 1912 and worked at such jobs as a cook, for the railroad, the lumber mills and at various fruit and vegetable stands.

In 1908, at the age of seven, my mother came to the United States. They were married in 1924 and with his savings, mother was able to attend Costume Designing and Sewing Schools. After becoming parents to my two sisters and myself, mother opened a Dress Designing School in 1933.

After leaving Japan, neither had any direct connection or communication with anyone in Japan. My father's only affiliation was, as a bugler for a local Veteran's group, as I am a member of both the local chapters of the Disabled American Veterans and the V.F.W.

Because of the Alien Land Law and the Oriental Exclusion Act, my grand-parents, eldest uncle, father and mother could neither become U.S. Citizens or own Real Property.

My eldest uncle who had studied law, had to abandon his business with the Southern California Farmer's Federation. After his arrest, he was confined in Santa Fe, New Mexico. His wife, daughter and youngest son were interned in Amache, Colorado, while the two older sons served with the 442nd Regimental Combat Team. During the latter part of the war, my uncle was sent to Washington, D.C. in the employment of the U.S. Government against Japan. After the war, no longer able to establish his business as before, he became a gardener.

The restrictions of curfew and limited travel of five miles placed on all persons of Japanese Ancestry and economic predicaments, forced the closure of my mother's growing and successful sewing school. The passage of Executive Order #9066, forced all Resident-Japanese and American-Japanese families to liquidate all their belongings and prepare to be evacuated to confinement within a very short time. All household and family belongings were either given away or sold at ridiculous prices as non-Japanese carpetbaggers took advantage of us, offering $5.00 for our refrigerator, $2.00 for our stove, $1.00 for our bed and mattress, etc.

After our house was nearly emptied of all those cherished mementos, we packed our personal belongings, only that we could hand-carry, into suitcases, and moved to a small hotel near the Railroad Station a few days before we were to be forcibly evacuated to Manzanar under armed guard.

Because there were no espionage or spying evidence against him, my father, after five and a half months, was released to his home in Boyle Heights, but to his dismay, found his family gone. Luckily, the day before we were to be evacuated, he found us at the hotel, crowded into one small room and together, we reported as ordered to the Railroad Station for the movement to confinement at Manzanar.

During World War II, I was too young to enter Military Service; however, after graduating high school, I enlisted in the U.S. Army and was stationed in Japan. At the outbreak of the Korean War, I was among the first to be air-lifted to Korea in the advanced group of the 24th Infantry Division. I volunteered for Combat duty, as I felt it was my duty for my family's honor. I remember the day I returned home, how proud my father was that I had served the United States of America.

My very good friend, Katsumi Yagura, whom I had met in the Army in Japan, prior to the Korean War, also volunteered for Combat duty with the Infantry. Born in Hiroshima, Japan, he came to this country when he was an infant. Because of the Amendment to the "Oriental Exclusion Act" of 1941, in which the Chinese were allowed to become U.S. citizens but the Japanese were not, he was refused numerous times when he applied for his U.S. Citizenship. Finally, in 1953, two years after his discharge from the U.S. Army, he became a Naturalized Citizen, at which time, I proudly stood by his side as his witness. When the judge asked me if I thought he was qualified to become a U.S. citizen, I answered, "Your Honor, any time a man is ready to give his life for a Country he believes in, I think he deserves the right to Citizenship, for he has proven himself." If he had been killed in action, would the United States Government have given him his Citizenship posthumously? Why were all other Aliens of different countries given immediate consideration for Citizenship as long as they served in the Armed Services of the United States?

While fighting and being cleared for handling top secret material during the Korean War, how ironic that on the Security Questionnaire, I had to list my father and uncle as my enemy. It would be years later when they would be dropped from the parolee status. They both died a few years ago, not realizing Redress or Apology due them.

Today, I am more bitter with the United States Government and those righteous citizens who defend our unnecessary uprooting and confinement. Some of these ignorant people cannot understand that I, as an American born Citizen, volunteered, fought and bled to prove my loyalty to this country. They still blame me for the attack on December 7, 1941. I demand immediate apology and redress before more of us die off. Of the 14 people mentioned in my testimony, only 7 remain alive today. Is this why the U.S. Government is stalling and waiting for the rest of us to pass on?

Let not the United States criticize any foreign government in the United Nations for their alleged Human Rights violations unless they first make Mandatory Redress and Reparations to all the surviving victims of the American persecution of Japanese ancestral victims.

As the findings of the "Commission on Wartime Relocation and Internment of Civilians" have shown, Evacuation and Incarceration of all Resident-Japanese and Americans of Japanese descent were unnecessary. Should not all those responsible for our racial persecution be deemed War Criminals for violations of our Civil Rights?

* * * * * * * * * * * *

Arnold Rikio Yoshizawa
24616 Marbella Avenue
Carson, California 90745

(213) 834-9278

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